

IN RE: PETITIONS FOR VARIANCE * BEFORE THE
NW/S Delmar Ave., 12' NE of the c/l of
McComas Ave. (Lots 17 & 18 of * ZONING COMMISSIONER
Cedarcrest, aka 3006 Delmar Ave.
and NW/S Delmar Avenue, 70' NE of * OF BALTIMORE COUNTY
the c/l of McComas Avenue
(Lots 19 & 20 of Cedarcrest) * Case Nos. 96-240-A and
96-241-A
Steven Jernigan *
Petitioner

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as combined Petitions for Variance for those properties known as Lots 17, 18, 19 and 20 of the subdivision known as Cedarcrest, located in the vicinity of North Point Boulevard in Edgemere. The Petitions were filed by the owner of the properties, Steven Jernigan. In Case No. 96-240-A, the Petitioner seeks relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations to permit a minimum lot width of 50 feet in lieu of the required 55 feet for an existing dwelling, known as 3006 Delmar Avenue (Lots 17 and 18 of Cedarcrest). In Case No. 96-241-A, the Petitioner seeks similar relief as noted above to permit development of the property to be known as 3004 Delmar Avenue (Lots 19 and 20 of Cedarcrest), with a single family dwelling. The subject properties and relief requested are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petitioner were Bob Kerfoot, Developer, and J. Scott Dallas, Registered Property Line Surveyor, who prepared the site plan for these properties. There were no Protestants present.

Testimony and evidence offered revealed that Mr. Jernigan owns the subject four adjacent lots in the subdivision known as Cedarcrest,

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Date 1/30/96
By [Signature]

MICROFILMED

which is located in Edgemere in southeastern Baltimore County. This is an older community which was subdivided and developed many years ago. All of the lots are approximately 25 feet wide by approximately 135 feet deep and are roughly 0.155 acres in area, zoned D.R.5.5. In both cases, the Petitioner seeks variance relief to permit a minimum lot width of 50 feet in lieu of the required 55 feet in width. In Case No. 96-240-A, the Petitioner seeks to legitimize existing conditions on Lots 17 and 18, which are improved with a single family dwelling, known as 3006 Delmar Avenue. As shown on the site plan, that dwelling straddles the property line dividing the two lots. In Case No. 96-241-A, the Petitioner proposes to develop Lots 19 and 20 with a single family dwelling. That dwelling will also straddle the property line dividing those two lots, but will maintain all appropriate front, side and rear setback requirements. In both cases, the two lots, when combined, are only 50 feet wide, 5 feet less than that required, and thus, the requested variance is necessary.

There was no community opposition to the relief requested. Moreover, the Petitioner presented a series of photographs which shows that there are a number of dwellings in this community which have been built on combined lots 50 feet in width. Thus, it was argued that the relief requested is compatible with the surrounding locale.

The Zoning Plans Advisory Committee (ZAC) comment submitted by the Office of Planning and Zoning supports the Petitioner's requests for so long as parking pads are of a width to accommodate only one vehicle, and that building plans for the proposed dwelling on Lots 19 and 20 be submitted for review by that agency. I concur that these comments are reasonable and appropriate and will incorporate same as a condition of approval. I will also require the Petitioner to comply with the ZAC

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Date

comment submitted by the Department of Environmental Protection and Resource Management (DEPRM) in which they have required compliance with the appropriate Chesapeake Bay Critical Areas legislation.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel.

1/30/96
[Signature]

1/30/96

In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE IT IS ORDERED by the Zoning Commissioner for Baltimore County this 30th day of January, 1996 that the Petition for Variance in Case No. 96-240-A seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a minimum lot width of 50 feet in lieu of the required 55 feet for an existing dwelling, known as 3006 Delmar Avenue (Lots 17 and 18 of Cedarcrest), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

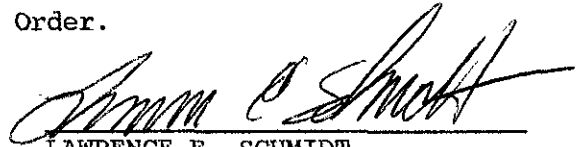
IT IS FURTHER ORDERED that the Petition for Variance in Case No. 96-241-A seeking relief from Section 1B02.3.C.1 of the B.C.Z.R. to permit a minimum lot width of 50 feet in lieu of the required 55 feet for Lots 19 and 20 of Cedarcrest, for a proposed dwelling to be known as 3004 Delmar Avenue, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) Prior to the issuance of any permits, the Petitioner shall submit building plans to the Office of Planning and Zoning for review and approval.
- 3) Compliance with all Zoning Plans Advisory Committee comments, including, but not limited to, the

1/30/96
Jop

Office of Planning and Zoning, dated January 11, 1996, and the Department of Environmental Protection and Resource Management, dated December 27, 1995, copies of which have been attached hereto and made a part hereof.

4) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING

Date 1/30/96
By [Signature]

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Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

January 30, 1996

Mr. Steven Jernigan
1200 North Point Road
Baltimore, Maryland 21219

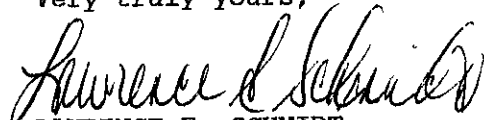
RE: PETITIONS FOR VARIANCE
NW/S Delmar Ave., 12' NE of the c/l of McComas Ave.
(Lots 17 & 18 of Cedarcrest, aka 3006 Delmar Ave; and
NW/S Delmar Avenue, 70' NE of the c/l of McComas Avenue
(Lots 19 & 20 of Cedarcrest)
Steven Jernigan - Petitioner
Case Nos. 96-240-A and 96-241-A

Dear Mr. Jernigan:

Enclosed please find a copy of the decision rendered in the above-captioned matters. The Petitions for Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Bob Kerfoot
7200 North Point Road, Baltimore, Md. 21219

Mr. J. Scott Dallas
P.O. Box 26, Baldwin, Md. 21013

Chesapeake Bay Critical Areas Commission
45 Calvert Street, 2nd Floor, Annapolis, Md. 21401

OPZ; DEPRM; People's Counsel; Case File

CRITICAL
AREA



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at

3006 Delmar Avenue
(Lots 17 and 18 "Cedarcrest")

which is presently zoned D.R. 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

1 B02.3C.1. to allow minimum lot width of 50 feet in lieu of the required minimum lot width of 55 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

Although all other zoning setback requirements can be met, improved Lots 17 and 18 can not stand alone due to existing 50 foot width of property. Neighborhood is composed almost exclusively of single family homes on 50 foot lots (and narrower), as shown on enclosed plat.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address Phone No.

City State Zipcode

(We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.)

Legal Owner(s):

Steven Jernigan

(Type or Print Name)

Signature

(Type or Print Name)

Signature

1200 North Point Road 477-3800

Address Baltimore MD Phone No. 21219

City State Zipcode
Name, Address and phone number of representative to be contacted.

J. Scott Dallas (J.S. Dallas, Inc.)

Name 13523 Long Green Pike 817-4600
Address Baldwin, MD 21013

Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING .75 hr.
unavailable for Hearing

the following date: Next Two Months

ALL ☒ OTHER ☐
REVIEWED BY: 228 DATE 12-8-95

ORDER RECEIVED FOR FILING

Date: 12/8/95

By: [Signature]

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on Recycled Paper



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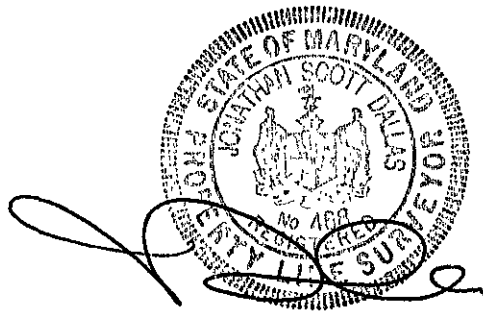
239

ZONING DESCRIPTION FOR # 3006 DELMAR AVENUE

BEGINNING at a point on the northwest side of Delmar Avenue which is 40 feet wide at a distance of 121 feet, more or less northeast of the prolongation of the northeastern most side of McComas Road which is 40 feet wide.

BEING Lots # 17 and 18 in the subdivision of Cedarcrest as recorded in Baltimore County Plat Book # 12 folio 31.

CONTAINING 6721 square feet of land, more or less, or 0.154 acres of land, more or less.



12-6-95

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TIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

Item No. ~~239~~

011061

DATE 12-8-95 ACCOUNT R-001-6150

RECEIVED

AMOUNT \$ 85.00

RECEIVED
FROM:

V.S. DALLAS INC.

OWNER: Steven DERNIG

S.I.C. 3006 Delmar Ave (lot NWS. 17E18)

FOR:

#010 - Residential Variance Filing Fee - \$ 50.00
#0 - sign + postage - \$ 35.00
#0 - 10/12/12 up to 9'

VALIDATION OR SIGNATURE OF CASHIER

Total

\$ 85.00

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204, or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case #95-249-A
(Item 239)
3006 Delmar Avenue
(Lots 17 and 18 (easterly))
NW/4 Delmar Avenue, 12 +/-
NE of Old McComas Road
15th Election District,
7th Councilmanic
Legal Owners:
Steven Jernigan

Variance: to allow a minimum lot width of 50 feet in lieu of the required minimum lot width of 55 feet.

Hearing: Wednesday, January 10, 1996 at 11:00 a.m. in Rm. 118, Old Courthouse.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County
NOTES: (1) Hearings are
Handicapped Accessible, for
special accommodations
Please Call 887-3353.
(2) For information concerning the file and/or Hearing,
Please Call 887-3391.

12/14/6 Dec. 21. C23441

CERTIFICATE OF PUBLICATION

TOWSON, MD., 12/22, 1995

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 12/21, 1995.

THE JEFFERSONIAN,

A. H. [Signature]
LEGAL AD. - TOWSON, MD.
Publisher

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

1) Posting fees will be assessed and paid to this office at the time of filing.

2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 239

Petitioner: Steven Jernigan

Location: Lots 17 and 18 Cedarcrest NW side Delmar Ave
121 1/2 NE of McComas Ave.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Steven Jernigan

ADDRESS: 1200 North Point Road

Balt. Md. 21219

PHONE NUMBER: 477-3800

AJ:ggs

(Revised 04/09/93)

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Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

December 15, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-240-A (Item 239)
3006 Delmar Avenue
(Lots 17 and 18 Cedarcrest)
NW/S Delmar Avenue, 12' +/- NE of c/l McComas Road
15th Election District - 7th Councilmanic
Legal Owner: Steven Jernigan

Variance to allow a minimum lot width of 50 feet in lieu of the required minimum lot width of 55 feet.

HEARING: WEDNESDAY, JANUARY 10, 1996 at 11:00 a.m. in Room 118, Old Courthouse.

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: Steven Jernigan
J. Scott Dallas

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

January 3, 1996

Steven Jernigan
1200 North Point Road
Baltimore, MD 21219

RE: Item No.: 239
Case No.: 96-240-A
Petitioner: S. Jernigan

Dear Mr. Jernigan:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on December 8, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

RECEIVED



Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410)887-4880

DATE: 12/22/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF DEC. 18, 1995.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8 The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 232, 233, 234, 235, 236,
237, 238, 239, 240, 241 AND 242.

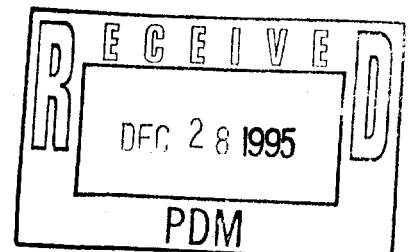
REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



Printed with Soybean Ink
on Recycled Paper

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BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: Dec. 26, 1995
Zoning Administration and Development Management

FROM: *RWB* Robert W. Bowling, P.E., Chief
Development Plans Review

RE: Zoning Advisory Committee Meeting
for December 26, 1995
Items 232, 233, 234, 235, 236, 238, 239, *(239)*
240, 241 and 242 *§*

The Development Plans Review Division has reviewed
the subject zoning items and we have no comments.

RWB:sw

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DEC 29 1995



**Maryland Department of Transportation
State Highway Administration**

David L. Winstead
Secretary
Hal Kassoff
Administrator

12-18-95

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 239(JJS)

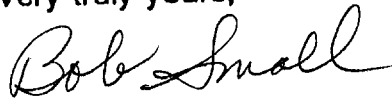
Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for 
Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

HEAR. 1-10
96-121
wer
1/11/96
y
BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, PDM

DATE: January 11, 1996

FROM: Arnold F. 'Pat' Keller, III, Director, PO

SUBJECT: Lots 17-20 "Cedarcrest"

INFORMATION:

Item Number:

239 & 240

Petitioner:

Jernigan Property

Property Size:

Zoning:

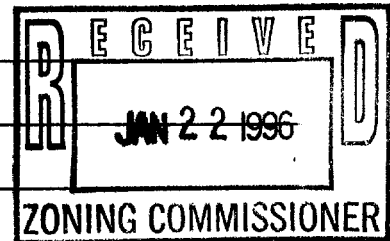
DR-5.5

Requested Action:

Variance

Hearing Date:

/ /



SUMMARY OF RECOMMENDATIONS:

Staff supports the applicant's request conditioned upon the following:

- Double-wide parking pads should be reduced to single-wide pads.
- Building plans should be submitted to the Office of Planning for review and approval prior to the issuance of building permits.

Due to conditions beyond our control we regret that this comment could not be forwarded in a timely manner.

Prepared by:

Jeffrey W. Long

Division Chief:

Jeff R. Ellis

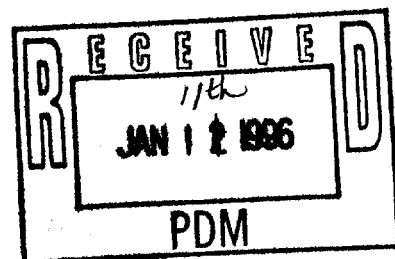
PK/JL

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Date

By

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96-22958

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director 12/27/95
Zoning Administration and
Development Management

FROM: J. Lawrence Pilson *JLP*
Development Coordinator, DEPRM

SUBJECT: Zoning Item #239
Jernigan Property, 3006 Delmar Avenue (Lots 17 & 18)
Zoning Advisory Committee Meeting of 12/18/95

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

1. Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).
2. The sum of all man-made impervious surfaces shall not exceed 25% of the property. In this case, 25% equals approximately 1675 square feet and existing impervious is 22% (approximately 1400 square feet).

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Date 1/30/96

By *JLP*

JLP/jbm

JERNIGAN/DEPRM/TXTSBP

MICROFILMED

RE: PETITION FOR VARIANCE
3006 Delmar Avenue, (Lots 17 and 18
Cedarcrest), NW/S Delmar Avenue, 12'+/-
NE of c/l McComas Road, 15th Election
District - 7th Councilmanic

Steven Jernigan
Petitioner

* * * * *

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 96-240-A

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

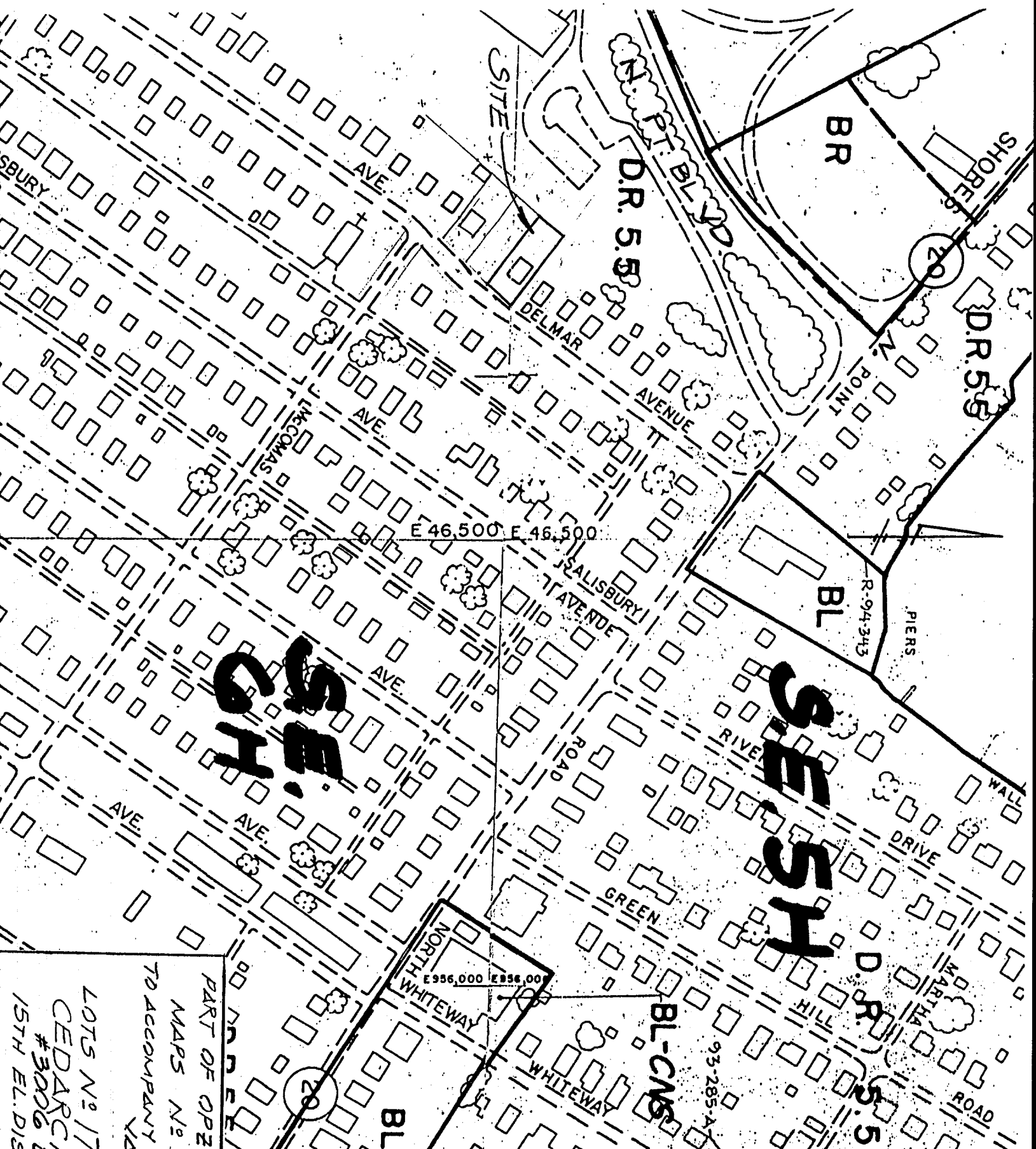
Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

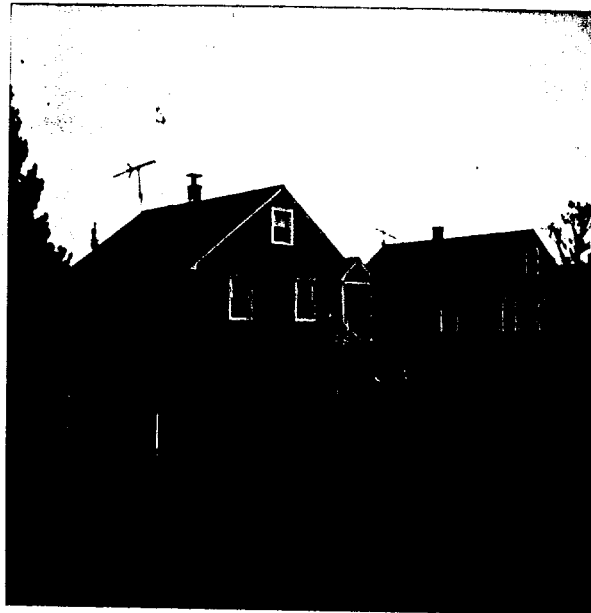
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4th day of January, 1996, a copy of the foregoing Entry of Appearance was mailed to J. Scott Dallas, J.S. Dallas, Inc., 13523 Long Green Pike, Baldwin, MD 21013, representative for Petitioner.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

01/04/96

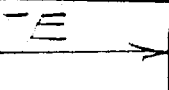




HOUSES TO N.E. (ONSD' LOTS)

Mr. Jernigan -
original photos to
County much
clearer than these
copies -

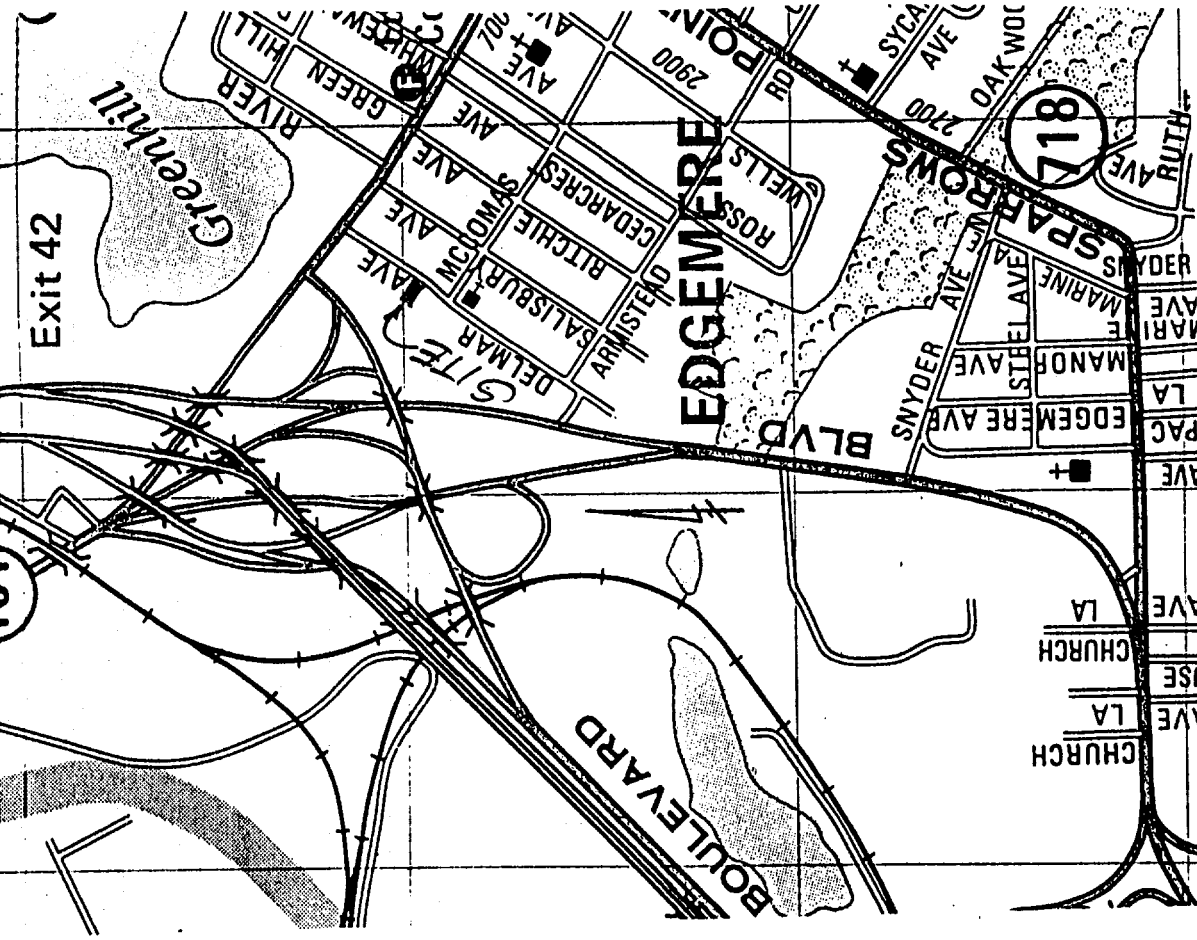
(Scott)



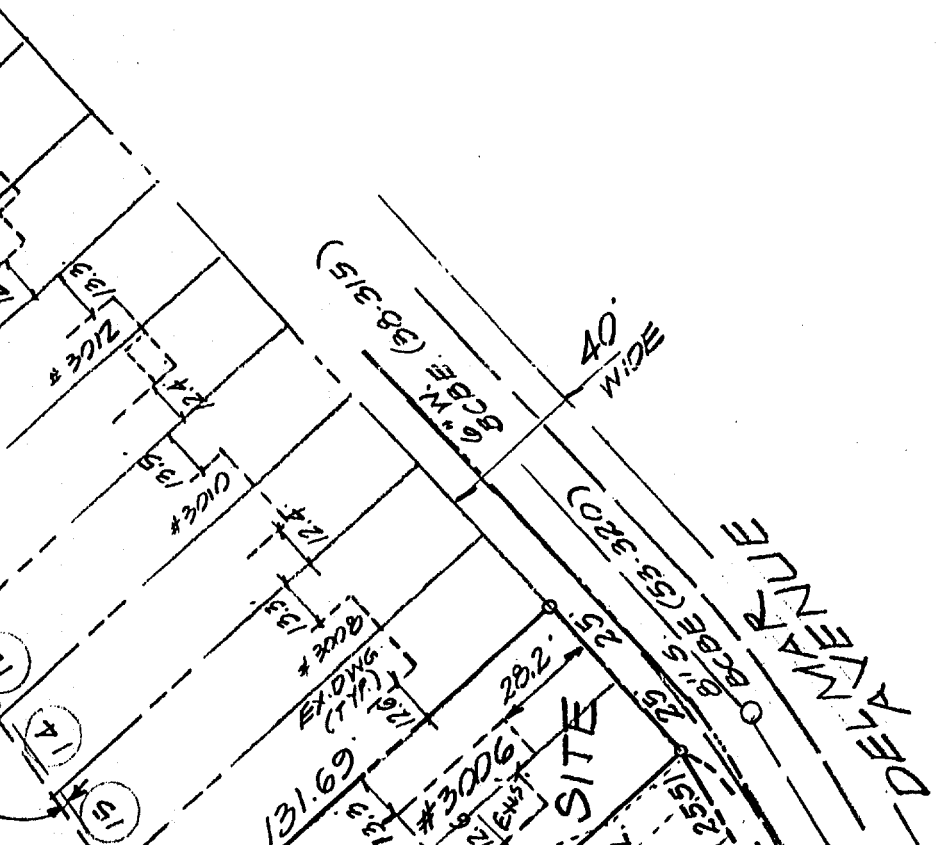
PHOTOGRAPHS TO ACCOMPANY
UNDERSIZED LDT REQUEST
LOTS 19 & 20 CEDARCREST

NOTE: BLDG PLANS NOT YET FINALIZED.
WILL MEET GENERAL NEIGHBORHOOD
CHARACTERISTICS.

SUBJECT TO PLANNING REVIEW @ TIME
OF BUILDING PERMIT.



VICINITY MAP 1"=1000'



PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE
 LOTS No 17 & 18 SEC. E.
 CEDARCREST (12.31)
 # 3006 DELMAR AVENUE
 ZONE (C)

IN RE: PETITIONS FOR VARIANCE * BEFORE THE
 NW/S Delmar Ave., 12' NE of the c/l of *
 McComas Ave. (Lots 17 & 18 of * ZONING COMMISSIONER
 Cedarcrest, aka 3006 Delmar Ave. *
 and NW/S Delmar Avenue, 70' NE of * OF BALTIMORE COUNTY
 the c/l of McComas Avenue *
 (Lots 19 & 20 of Cedarcrest) * Case Nos. 96-240-A and
 96-241-A
 Steven Jernigan *
 Petitioner *
 * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as combined Petitions for Variance for those properties known as Lots 17, 18, 19 and 20 of the subdivision known as Cedarcrest, located in the vicinity of North Point Boulevard in Edgemere. The Petitions were filed by the owner of the properties, Steven Jernigan. In Case No. 96-240-A, the Petitioner seeks relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations to permit a minimum lot width of 50 feet in lieu of the required 55 feet for an existing dwelling, known as 3006 Delmar Avenue (Lots 17 and 18 of Cedarcrest). In Case No. 96-241-A, the Petitioner seeks similar relief as noted above to permit development of the property to be known as 3004 Delmar Avenue (Lots 19 and 20 of Cedarcrest), with a single family dwelling. The subject properties and relief requested are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petitioner were Bob Kerfoot, Developer, and J. Scott Dallas, Registered Property Line Surveyor, who prepared the site plan for these properties. There were no Protestants present.

Testimony and evidence offered revealed that Mr. Jernigan owns the subject four adjacent lots in the subdivision known as Cedarcrest,

ORDER RECEIVED FOR FILING

Date

By

MICROFILMED

which is located in Edgemere in southeastern Baltimore County. This is an older community which was subdivided and developed many years ago. All of the lots are approximately 25 feet wide by approximately 135 feet deep and are roughly 0.155 acres in area, zoned D.R.5.5. In both cases, the Petitioner seeks variance relief to permit a minimum lot width of 50 feet in lieu of the required 55 feet in width. In Case No. 96-240-A, the Petitioner seeks to legitimize existing conditions on Lots 17 and 18, which are improved with a single family dwelling, known as 3006 Delmar Avenue. As shown on the site plan, that dwelling straddles the property line dividing the two lots. In Case No. 96-241-A, the Petitioner proposes to develop Lots 19 and 20 with a single family dwelling. That dwelling will also straddle the property line dividing those two lots, but will maintain all appropriate front, side and rear setback requirements. In both cases, the two lots, when combined, are only 50 feet wide, 5 feet less than that required, and thus, the requested variance is necessary.

There was no community opposition to the relief requested. Moreover, the Petitioner presented a series of photographs which shows that there are a number of dwellings in this community which have been built on combined lots 50 feet in width. Thus, it was argued that the relief requested is compatible with the surrounding locale.

The Zoning Plans Advisory Committee (ZAC) comment submitted by the Office of Planning and Zoning supports the Petitioner's requests for so long as parking pads are of a width to accommodate only one vehicle, and that building plans for the proposed dwelling on Lots 19 and 20 be submitted for review by that agency. I concur that these comments are reasonable and appropriate and will incorporate same as a condition of approval. I will also require the Petitioner to comply with the ZAC

comment submitted by the Department of Environmental Protection and Resource Management (DEPRM) in which they have required compliance with the appropriate Chesapeake Bay Critical Areas legislation.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel.

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Date

By

NOT RECORDED

In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

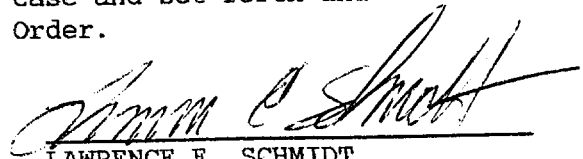
THEREFORE IT IS ORDERED by the Zoning Commissioner for Baltimore County this 30th day of January, 1996 that the Petition for Variance in Case No. 96-240-A seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a minimum lot width of 50 feet in lieu of the required 55 feet for an existing dwelling, known as 3006 Delmar Avenue (Lots 17 and 18 of Cedarcrest). in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance in Case No. 96-241-A seeking relief from Section 1B02.3.C.1 of the B.C.Z.R. to permit a minimum lot width of 50 feet in lieu of the required 55 feet for Lots 19 and 20 of Cedarcrest, for a proposed dwelling to be known as 3004 Delmar Avenue, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) Prior to the issuance of any permits, the Petitioner shall submit building plans to the Office of Planning and Zoning for review and approval.
- 3) Compliance with all Zoning Plans Advisory Committee comments, including, but not limited to, the

Office of Planning and Zoning, dated January 11, 1996, and the Department of Environmental Protection and Resource Management, dated December 27, 1995, copies of which have been attached hereto and made a part hereof.

4) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

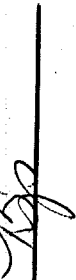
LES:bjs

ORDER RECEIVED FOR FILING

Date

1/30/96

By





Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

January 30, 1996

Mr. Steven Jernigan
1200 North Point Road
Baltimore, Maryland 21219

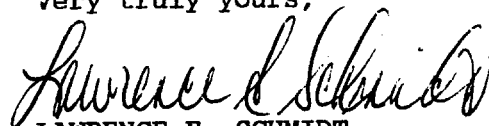
RE: PETITIONS FOR VARIANCE
NW/S Delmar Ave., 12' NE of the c/l of McComas Ave.
(Lots 17 & 18 of Cedarcrest, aka 3006 Delmar Ave; and
NW/S Delmar Avenue, 70' NE of the c/l of McComas Avenue
(Lots 19 & 20 of Cedarcrest)
Steven Jernigan - Petitioner
Case Nos. 96-240-A and 96-241-A

Dear Mr. Jernigan:

Enclosed please find a copy of the decision rendered in the above-captioned matters. The Petitions for Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Bob Kerfoot
7200 North Point Road, Baltimore, Md. 21219

Mr. J. Scott Dallas
P.O. Box 26, Baldwin, Md. 21013

Chesapeake Bay Critical Areas Commission
45 Calvert Street, 2nd Floor, Annapolis, Md. 21401

OPZ; DEPRM; People's Counsel; Case File

MICROFILMED



Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at

Lots 19 and 20 "Cedarcrest"
Delmar Avenue

which is presently zoned D.R. 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1 B02.3C.1. to allow minimum lot width of 50 feet in lieu of the required minimum lot width of 55 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)
Although all other zoning setback requirements can be met, improved Lots 19 and 20 can not stand alone as a building lot due to existing 50 foot width of property. Neighborhood is composed almost exclusively of single family homes on 50 foot lots (and narrower), as shown on enclosed plat.

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address Phone No.

City State Zipcode

(We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

Steven Jernigan

(Type or Print Name)

Signature

(Type or Print Name)

Signature

1200 North Point Road 477-3800

Address Phone No.

Baltimore MD 21219

City State Zipcode
Name, Address and phone number of representative to be contacted.

J. Scott Dallas (J.S. Dallas, Inc.)

Name
13523 Long Green Pike
Baldwin, MD 21013 81-4600
Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING
unavailable for Hearing 75 min.

the following dates _____ Next Two Months

ALL _____ OTHER _____
REVIEWED BY: RA DATE 12-8-95

Zoning Administration

MICROFILMED

Printed with Soybean Ink
on Recycled Paper

Date 11/29/95
By [Signature]

240

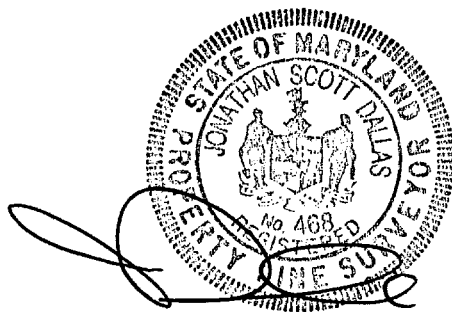
ORDER RECEIVED FOR FILING

ZONING DESCRIPTION FOR LOTS 19 AND 20 DELMAR AVENUE

BEGINNING at a point on the northwest side of Delmar Avenue which is 40 feet wide at a distance of 70 feet, more or less northeast of the prolongation of the northeastern most side of McComas Road which is 40 feet wide.

BEING Lots # 19 and 20 in the subdivision of Cedarcrest as recorded in Baltimore County Plat Book # 12 folio 31.

CONTAINING 6739 square feet of land, more or less, or 0.155 acres of land, more or less.



12-6-95

240

REPROFILMED

CERTIFICATE OF PUBLICATION

TOWSON, MD., 12/22, 1995

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 12/21, 1995.

THE JEFFERSONIAN,

A. H. Smith
LEGAL AD. - TOWSON
Publisher

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case #86-241-A

(Item 240)

(Lots 19 and 20 Cedarcrest)

NWS Delmar Avenue, 70' +/-

NE of CI McComas Road

15th Election District

7th Councilmanic

Legal Owner(s):

Steven Jernigan

Variance: to allow minimum lot width of 50 feet in lieu of the required minimum lot width of 55 feet.

Hearing: Wednesday, January 10, 1996 at 11:00 a.m. in Rm. 118, Old Courthouse.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible, for special accommodations
Please Call 887-3353.
(2) For information concerning the File and/or Hearing, Please Call 887-3391.

12/14/7 Dec. 21. C23440

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighbors property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 240

Petitioner: Steven Jernigan

Location: Lots 19 and 20 Cedarcrest NW side Delmar Ave
70'± NE of McComas Ave.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Steven Jernigan

ADDRESS: 1200 North Point Road

Balt. Md. 21219

PHONE NUMBER: 477-3800

AJ:ggs

(Revised 04/09/93)



Printed on Recycled Paper

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Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

December 15, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-240-A (Item 239)
3006 Delmar Avenue
(Lots 17 and 18 Cedarcrest)
NW/S Delmar Avenue, 12' +/- NE of c/l McComas Road
15th Election District - 7th Councilmanic
Legal Owner: Steven Jernigan

Variance to allow a minimum lot width of 50 feet in lieu of the required minimum lot width of 55 feet.

HEARING: WEDNESDAY, JANUARY 10, 1996 at 11:00 a.m. in Room 118, Old Courthouse.

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: Steven Jernigan
J. Scott Dallas

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

January 3, 1996

Steven Jernigan
1200 North Point Road
Baltimore, MD 21219

RE: Item No.: 240
Case No.: 96-241-A
Petitioner: S. Jernigan

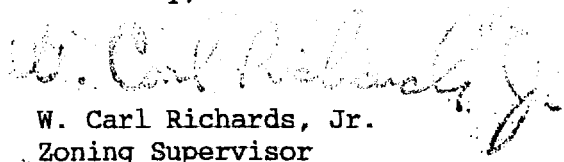
Dear Mr. Jernigan:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on December 8, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,


W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)



96-241-A
208126 of 10-56

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management
January 2, 1996

FROM: J. Lawrence Pilson *JLP*
Development Coordinator, DEPRM

SUBJECT: Zoning Item #240 - Jernigan Property
Delmar Avenue (Lots 19 & 20)
Zoning Advisory Committee Meeting of 12/18/95

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

The sum of all man-made impervious surfaces shall not exceed 25% of the property; in this case, 25% equals approximately 1721 square feet and existing impervious area is 13% (900 square feet) from the driveway to #3006 Delmar Avenue.

JLP:TJI:sp

JERNIGAN/DEPRM/TXTSBP

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Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410)887-4880

DATE: 12/22/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF DEC. 18, 1995.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

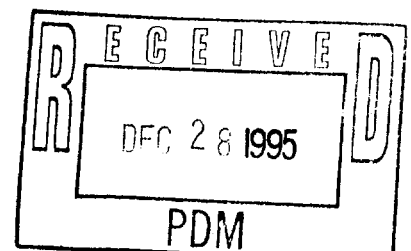
8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 232, 233, 234, 235, 236,
237, 238, 239, 240, 241 AND 242.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



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on Recycled Paper



BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: Dec. 26, 1995
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Development Plans Review

RE: Zoning Advisory Committee Meeting
for December 26, 1995
Items 232, 233, 234, 235, 236, 238, 239,
240, 241 and 242

The Development Plans Review Division has reviewed
the subject zoning items and we have no comments.

RWB:sw



**Maryland Department of Transportation
State Highway Administration**

David L. Winstead
Secretary
Hal Kassoff
Administrator

12-18-95

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 240 (JJS)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for *Bob Small*
Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, PDM

DATE: January 11, 1996

FROM: Arnold F. 'Pat' Keller, III, Director, PO

SUBJECT: Lots 17-20 "Cedarcrest"



INFORMATION:

Item Number: 239 & 240

Petitioner: Jernigan Property

Property Size: _____

Zoning: DR-5.5

Requested Action: Variance

Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

Staff supports the applicant's request conditioned upon the following:

- Double-wide parking pads should be reduced to single-wide pads.
- Building plans should be submitted to the Office of Planning for review and approval prior to the issuance of building permits.

Due to conditions beyond our control we regret that this comment could not be forwarded in a timely manner.

Prepared by: Jeffrey W. Long

Division Chief: Jeff R. Ellis

PK/JL

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* 12-8-95 VARIANCE PETITION
INTER-OFFICE CORRESPONDENCE
RECOMMENDATION FORM

Accepted. Item # 240.

TO: Director, Office of Planning & Community Conservation
Attn: Ervin McDaniel
County Courts Bldg, Rm 406
401 Bosley Av
Towson, MD 21204

B _____
Permit Number

FROM: Arnold Jablon, Director, Department of Permits & Development Management

RE: **Undersized Lots**

Pursuant to Section 304.2(Baltimore County Zoning Regulations) effective June 25, 1992; this office is requesting recommendations and comments from the Office of Planning & Community Conservation prior to this office's approval of a dwelling permit.

MINIMUM APPLICANT SUPPLIED INFORMATION:

☐ J. Scott Dallas J.S. Dallas, Inc. Baldwin, MD 21013 817-4600
Print Name of Applicant Address Telephone Number

☐ Lot Address Lots 19 and 20 Delmar Avenue Election District 15 Council District 7 Square Feet 6739

Lot Location: N E S W / side / corner of Delmar Avenue 70 feet from N E S W corner of McComas Road
(street) (street)

Land Owner Steven Jernigan Tax Account Number 15-1900013728

Address 7200 North Point Road Telephone Number (410) 477-3800
Baltimore, MD 21219

☐ **CHECKLIST OF MATERIALS:** to be submitted for design review by the Office of Planning & Community Conservation

PROVIDED?

	YES	NO
1. This Recommendation Form (3 copies)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Permit Application	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Site Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Property (3 copies)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Topo Map (available in Rm 206 C.O.B.) (2 copies)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><small>(please label site clearly)</small></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Building Elevation Drawings	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. Photographs (please label all photos clearly)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Adjoining Buildings	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Surrounding Neighborhood	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Residential Processing Fee Paid
Codes 030 & 080 (\$85)

Accepted by ZADM

Date _____

**NOW REQUEST AS PART
OF VARIANCE REQUEST.
BLOG. PLANS, SUBJECT
TO PLANNING APPROVAL
& TIME OF PERMIT NOT
YET FINALIZED.
(PER CONVERSATION W/
JAKE MORSEY)**

TO BE FILLED IN BY THE OFFICE OF PLANNING & COMMUNITY CONSERVATION ONLY!!

RECOMMENDATIONS/COMMENTS:

☐ Approval ☐ Disapproval ☐ Approval conditioned on required modifications of the permit to conform with the following recommendations:

Signed by: _____
for the Director, Office of Planning & Community Conservation

Date: _____



BALTIMORE COUNTY

TRANSMITTAL
MEMO

TO	JAKE / JEFF L.	
FROM	JEFF M.	DATE
SUBJECT	DELMAR AVE UNDERSIZED LOT	

OK - NO DOUBLE WIDE
PARKING PAD IN
FRONT. ONE SINGLE
WIDE PAD 2 CARS
DEEP. - WANT TO
SEE BUILDING PLANS BEFORE
APPROVAL.

FOR YOUR	COMMENTS	TAKE APPROPRIATE ACTION	
	INFORMATION	INVESTIGATE AND REPORT	
	APPROVAL	SUBMITTED PER YOUR REQUEST	
	SIGNATURE	DATE	
NOTE AND	TRANSMITTAL	A.M.	P.M.
	FILE	SEE ME	
	RETURN TO ME	AS SOON AS POSSIBLE	
	MY SIGNATURE	AT YOUR CONVENIENCE	
PHOTOGRAPH RETURN TO	YOUR SIGNATURE	DATE	
		A.M.	P.M.

CPS-005

Recycled Paper



Baltimore County
Department of Permits and
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Steven?

STEVEN JERNIGAN
1200 NORTH POINT RD
BALTIMORE MD 21219

Feb 23 1995

*12-23-95

balto. md

212

RE: PETITION FOR VARIANCE
NWS Delmar Avenue, (Lots 19 and 20
Cedarcrest), 70'+/- NE of c/l McComas
Road, 15th Election District, 7th
Councilmanic

Steven Jernigan
Petitioner

* * * * *

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 96-241-A

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

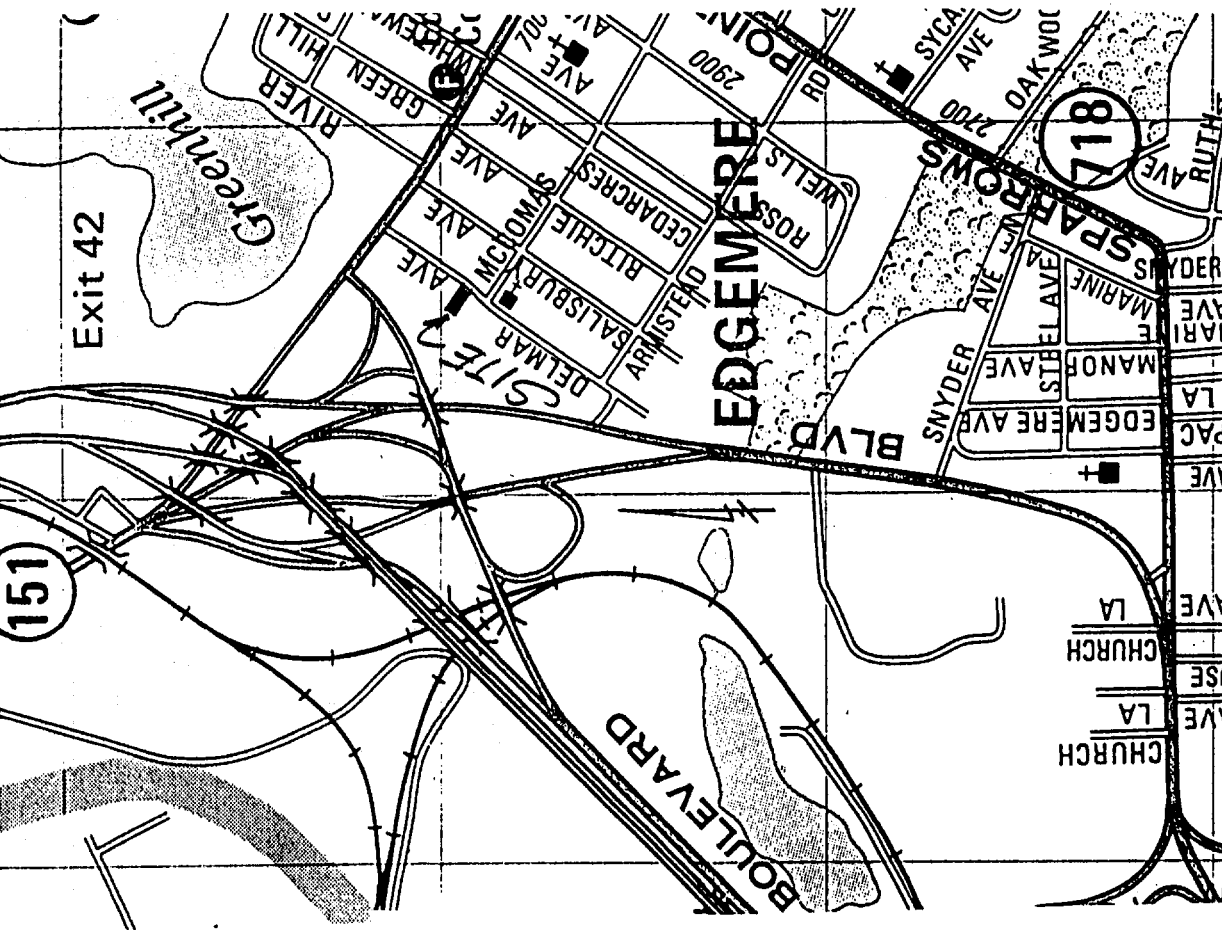
I HEREBY CERTIFY that on this 4th day of January, 1996, a copy of the foregoing Entry of Appearance was mailed to J. Scott Dallas, J.S. Dallas, Inc., 13523 Long Green Pike, Baldwin, MD 21013, representative for Petitioner.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

MICROFILMED



HOUSES TO S.W.



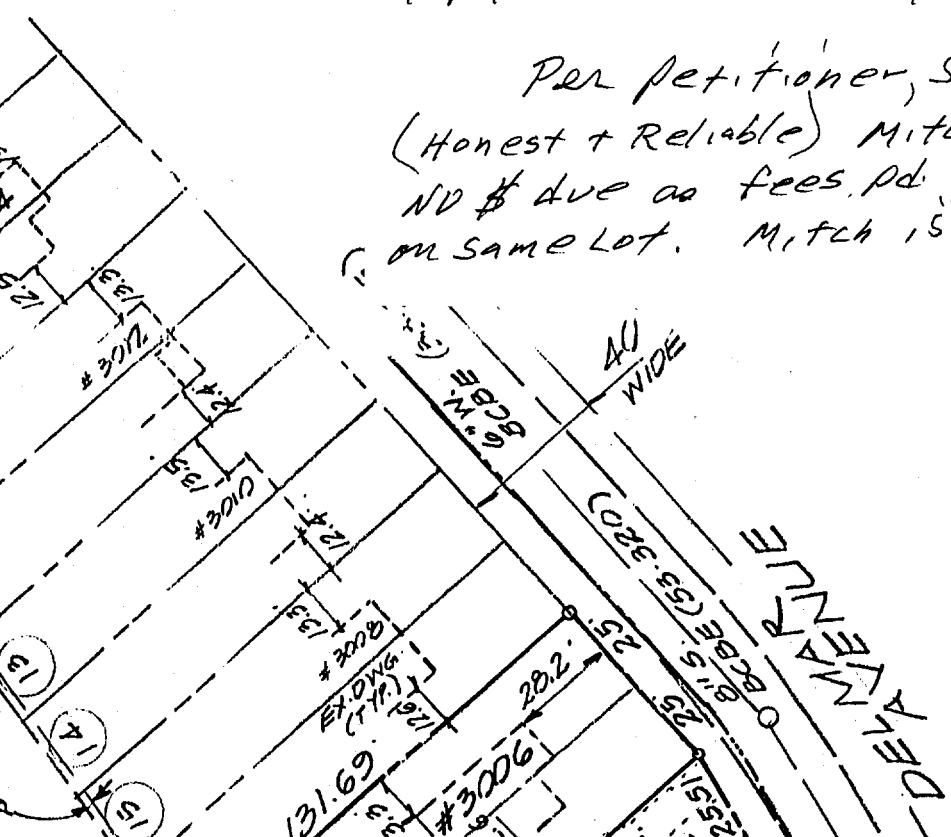
VICINITY MAP 1"=1000'

Note

12/8

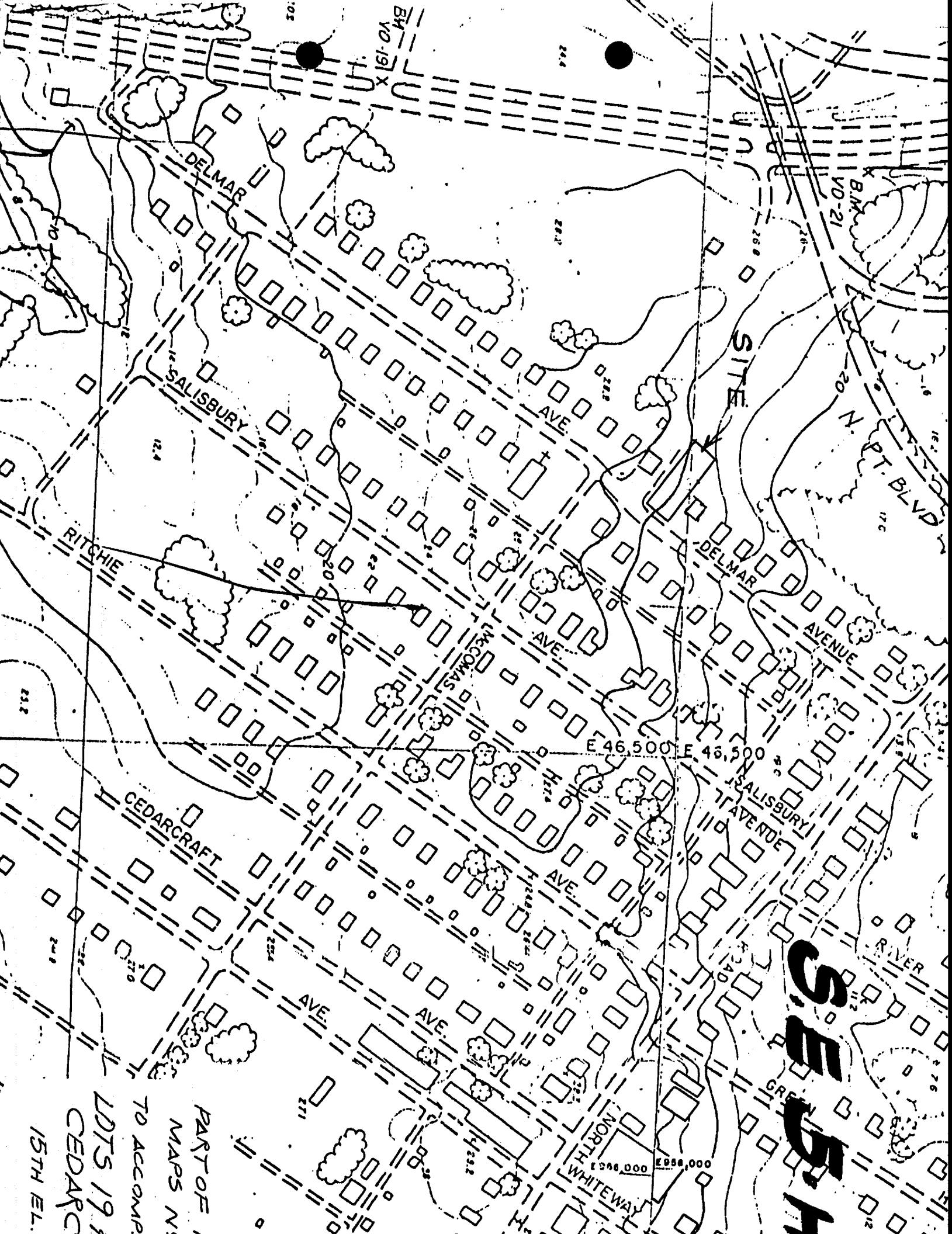
Undersize Lot procedure
Lot NOS. 19 + 20 (Also has submitted
a VAR. Pet. for same, Item #240).

Per petitioner, Scott Dallas
(Honest + Reliable) Mitch stated that
NO \$ due as fees pd. for VARIANCE
on same Lot. Mitch is on Vacation!
John S.

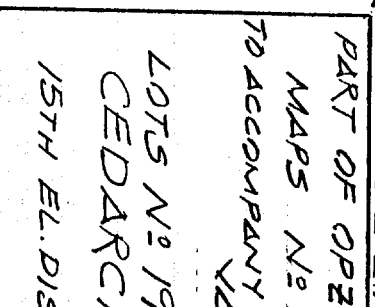


PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE
LOT'S NO 19 & 20 SEC. 'E'

CEDARCREST (12.31) No Flood zone (C).
~~CRITICAL~~ CRITICAL Area



240 #



IN RE: PETITIONS FOR VARIANCE * BEFORE THE
NW/S Delmar Ave., 12' NE of the c/l of * ZONING COMMISSIONER
McComas Ave. (Lots 17 & 18 of Cedarcrest, aka 3006 Delmar Ave. and NW/S Delmar Avenue, 70' NE of the c/l of McComas Avenue (Lots 19 & 20 of Cedarcrest) * Case Nos. 96-240-A and 96-241-A
Steven Jernigan *
Petitioner * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as combined Petitions for Variance for those properties known as Lots 17, 18, 19 and 20 of the subdivision known as Cedarcrest, located in the vicinity of North Point Boulevard in Edgemere. The Petitions were filed by the owner of the properties, Steven Jernigan. In Case No. 96-240-A, the Petitioner seeks relief from Section 1802.3.C.1 of the Baltimore County Zoning Regulations to permit a minimum lot width of 50 feet in lieu of the required 55 feet for an existing dwelling, known as 3006 Delmar Avenue (Lots 17 and 18 of Cedarcrest). In Case No. 96-241-A, the Petitioner seeks similar relief as noted above to permit development of the property to be known as 3004 Delmar Avenue (Lots 19 and 20 of Cedarcrest), with a single family dwelling. The subject properties and relief requested are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petitioner were Bob Kerfoot, Developer, and J. Scott Dallas, Registered Property Line Surveyor, who prepared the site plan for these properties. There were no Protestants present.

Testimony and evidence offered revealed that Mr. Jernigan owns the subject four adjacent lots in the subdivision known as Cedarcrest,

which is located in Edgemere in southeastern Baltimore County. This is an older community which was subdivided and developed many years ago. All of the lots are approximately 25 feet wide by approximately 135 feet deep and are roughly 0.155 acres in area, zoned D.R.5.5. In both cases, the Petitioner seeks variance relief to permit a minimum lot width of 50 feet in lieu of the required 55 feet in width. In Case No. 96-240-A, the Petitioner seeks to legitimize existing conditions on Lots 17 and 18, which are improved with a single family dwelling, known as 3006 Delmar Avenue. As shown on the site plan, that dwelling straddles the property line dividing the two lots. In Case No. 96-241-A, the Petitioner proposes to develop Lots 19 and 20 with a single family dwelling. That dwelling will also straddle the property line dividing those two lots, but will maintain all appropriate front, side and rear setback requirements. In both cases, the two lots, when combined, are only 50 feet wide, 5 feet less than that required, and thus, the requested variance is necessary.

There was no community opposition to the relief requested. Moreover, the Petitioner presented a series of photographs which shows that there are a number of dwellings in this community which have been built on combined lots 50 feet in width. Thus, it was argued that the relief requested is compatible with the surrounding locale.

The Zoning Plans Advisory Committee (ZAC) comment submitted by the Office of Planning and Zoning supports the Petitioner's requests for so long as parking pads are of a width to accommodate only one vehicle, and that building plans for the proposed dwelling on Lots 19 and 20 be submitted for review by that agency. I concur that these comments are reasonable and appropriate and will incorporate same as a condition of approval. I will also require the Petitioner to comply with the ZAC

- 2 -

comment submitted by the Department of Environmental Protection and Resource Management (DEPRM) in which they have required compliance with the appropriate Chesapeake Bay Critical Areas legislation.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel.

- 3 -

In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 31st day of January, 1996 that the Petition for Variance in Case No. 96-240-A seeking relief from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a minimum lot width of 50 feet in lieu of the required 55 feet for an existing dwelling, known as 3006 Delmar Avenue (Lots 17 and 18 of Cedarcrest), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance in Case No. 96-241-A seeking relief from Section 1802.3.C.1 of the B.C.Z.R. to permit a minimum lot width of 50 feet in lieu of the required 55 feet for Lots 19 and 20 of Cedarcrest, for a proposed dwelling to be known as 3004 Delmar Avenue, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) Prior to the issuance of any permits, the Petitioner shall submit building plans to the Office of Planning and Zoning for review and approval.
- 3) Compliance with all Zoning Plans Advisory Committee comments, including, but not limited to, the

- 4 -

Office of Planning and Zoning, dated January 11, 1996, and the Department of Environmental Protection and Resource Management, dated December 27, 1995, copies of which have been attached hereto and made a part hereof.

4) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

LES:bjs

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

January 30, 1996

Mr. Steven Jernigan
1200 North Point Road
Baltimore, Maryland 21219

RE: PETITIONS FOR VARIANCE
NW/S Delmar Ave., 12' NE of the c/l of McComas Ave.
(Lots 17 & 18 of Cedarcrest, aka 3006 Delmar Ave; and
NW/S Delmar Avenue, 70' NE of the c/l of McComas Avenue
(Lots 19 & 20 of Cedarcrest)
Steven Jernigan - Petitioner
Case Nos. 96-240-A and 96-241-A

Dear Mr. Jernigan:

Enclosed please find a copy of the decision rendered in the above-captioned matters. The Petitions for Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Bob Kerfoot
7200 North Point Road, Baltimore, Md. 21219

Mr. J. Scott Dallas
P.O. Box 26, Baldwin, Md. 21013

Chesapeake Bay Critical Areas Commission
45 Calvert Street, 2nd Floor, Annapolis, Md. 21401

OPZ; DEPRM; People's Counsel; Case File

- 5 -



Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at # 3006 Delmar Avenue (Lots 17 and 18 "Cedarcrest") which is presently zoned D.R. 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property shown in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1802.3.C.1. to allow minimum lot width of 50 feet in lieu of the required minimum lot width of 55 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty) Although all other zoning setback requirements can be met, improved Lots 17 and 18 can not stand alone due to existing 50 foot width of property. Neighborhood is composed almost exclusively of single family homes on 50 foot lots (and narrower), as shown on enclosed plat.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Consent Purchase/License:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Reason for Petition:

(Type or Print Name)

Signature

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NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the proposed rezoning of the property located at 111 West Chesapeake Avenue, Towson, Maryland 21204 as follows:
Case: 96-240-A
111 West Chesapeake Avenue
Towson, Maryland 21204
11th Election District
15th Councilmanic District
Legal Owner: Steven Jernigan
Steven Jernigan
Variance: To allow a minimum lot width of 50 feet in lieu of the required minimum lot width of 55 feet.
Hearing: Wednesday, January 10, 1996 at 11:00 a.m. in Room 118, Old Courthouse.
LAWRENCE E. SCOTT, Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are held on Wednesdays, 11:00 a.m. to 1:00 p.m. (2) For information contact the Planning Department at 410-333-1350. (3) For information contact the File and/or Hearing Room at 410-333-1351. Please Call 887-3351.
12/14/95 Dec. 21 22441

CERTIFICATE OF PUBLICATION

TOWSON, MD., 12/22, 1995

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 12/21, 1995.

THE JEFFERSONIAN,

A. H. Harrison
Legal AD. - TOWSON
Publisher

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT

DATE 12-8-95 ACCOUNT R-001-6150
AMOUNT \$ 85.00

RECEIVED FROM J.S. DALLO, INC.
OWNER: STEVEN JERNIGAN
S. 15. 3006 Delmar Ave (Lot 17 & 18)
FOR: 2010 - Residential Variance Filing Fee \$ 50.00
#8 - 5.00 + 1.00 = 6.00
TOTAL \$ 85.00
VALIDATION OR SIGNATURE OF CASHIER [Signature]
DATE 12-8-95

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
 - 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.
- NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

Arnold Jablon, Director

For newspaper advertising:

Item No.: 239

Petitioner: Steven Jernigan

Location: Lots 17 and 18 Cedarcrest 121' NE of McComas Ave.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Steven Jernigan

ADDRESS: 1200 North Point Road

Balt. Md. 21219

PHONE NUMBER: 477-3800

AJ:ggg

(Revised 04/09/93)

13



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

December 15, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 West Chesapeake Avenue in Towson, Maryland 21204

or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-240-A (Item 239)
3006 Delmar Avenue
(Lots 17 and 18 Cedarcrest)
NW/4 Delmar Avenue, 12' +/- NE of c/j McComas Road
15th Election District - 7th Councilmanic
Legal Owner: Steven Jernigan

Variance to allow a minimum lot width of 50 feet in lieu of the required minimum lot width of 55 feet.

HEARING: WEDNESDAY, JANUARY 10, 1996 at 11:00 a.m. in Room 118, Old Courthouse.

Arnold Jablon
Director

cc: Steven Jernigan
J. Scott Dallas

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3351.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

January 3, 1996

Steven Jernigan
1200 North Point Road
Baltimore, MD 21219

RE: Item No.: 239
Case No.: 96-240-A
Petitioner: S. Jernigan

Dear Mr. Jernigan:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on December 8, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3351).

Sincerely,

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

Baltimore County Government
Fire Department

700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 12/22/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF DEC. 18, 1995.

Item No.: SEE BELOW Zoning Agenda:

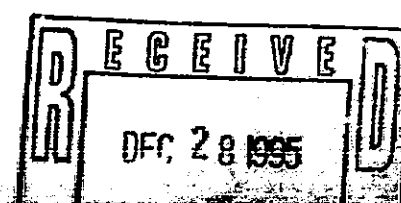
Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 232, 233, 234, 235, 236, 237, 238, 239, 240, 241 AND 242.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: Dec. 26, 1995
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Development Plans Review

RE: Zoning Advisory Committee Meeting
for December 26, 1995
Items 232, 233, 234, 235, 236, 238, 239,
240, 241 and 242

The Development Plans Review Division has reviewed the subject zoning items and we have no comments.

RWB:sw



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 239(JSS)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2259 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, PDM
FROM: Arnold F. 'Pat' Keller, III, Director, PO
SUBJECT: Lots 17-20 "Cedarcrest"
INFORMATION: 96-240-A
Item Number: 239 & 240 96-241A
Petitioner: Jernigan Property

Property Size: _____
Zoning: DR-5.5
Requested Action: Variance
Hearing Date: 1/1

SUMMARY OF RECOMMENDATIONS:

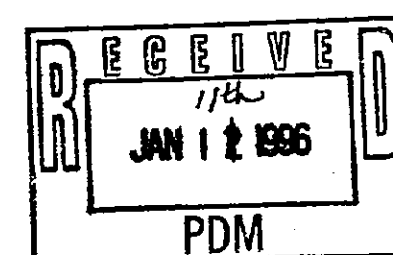
Staff supports the applicant's request conditioned upon the following:

- Double-wide parking pads should be reduced to single-wide pads.
- Building plans should be submitted to the Office of Planning for review and approval prior to the issuance of building permits.
- Due to conditions beyond our control we regret that this comment could not be forwarded in a timely manner.

Prepared by: Jeffrey W. Long
Division Chief: [Signature]

PK/JL

ORDER RECEIVED FOR FILING
Date 1/11/96
By [Signature]



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management
12/27/95

FROM: J. Lawrence Pilson
Development Coordinator, DEPRM

SUBJECT: Zoning Item #239
Jernigan Property, 3006 Delmar Avenue (Lots 17 & 18)
Zoning Advisory Committee Meeting of 12/18/95

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

1. Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).
2. The sum of all man-made impervious surfaces shall not exceed 25% of the property. In this case, 25% equals approximately 1675 square feet and existing impervious is 22% (approximately 1400 square feet).

RE: PETITION FOR VARIANCE
3006 Delmar Avenue, (Lots 17 and 18)
Cedarcrest, NW/8 Delmar Avenue, 12131/-
NE of c/l McComas Road, 15th Election
District - 7th Councilmanic

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
CASE NO. 96-240-A

Steven Jernigan
Petitioner

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of January, 1996, a copy of the foregoing Entry of Appearance was mailed to J. Scott Dallas, J.S. Dallas, Inc., 13523 Long Green Pike, Baldwin, MD 21013, representative for Petitioner.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

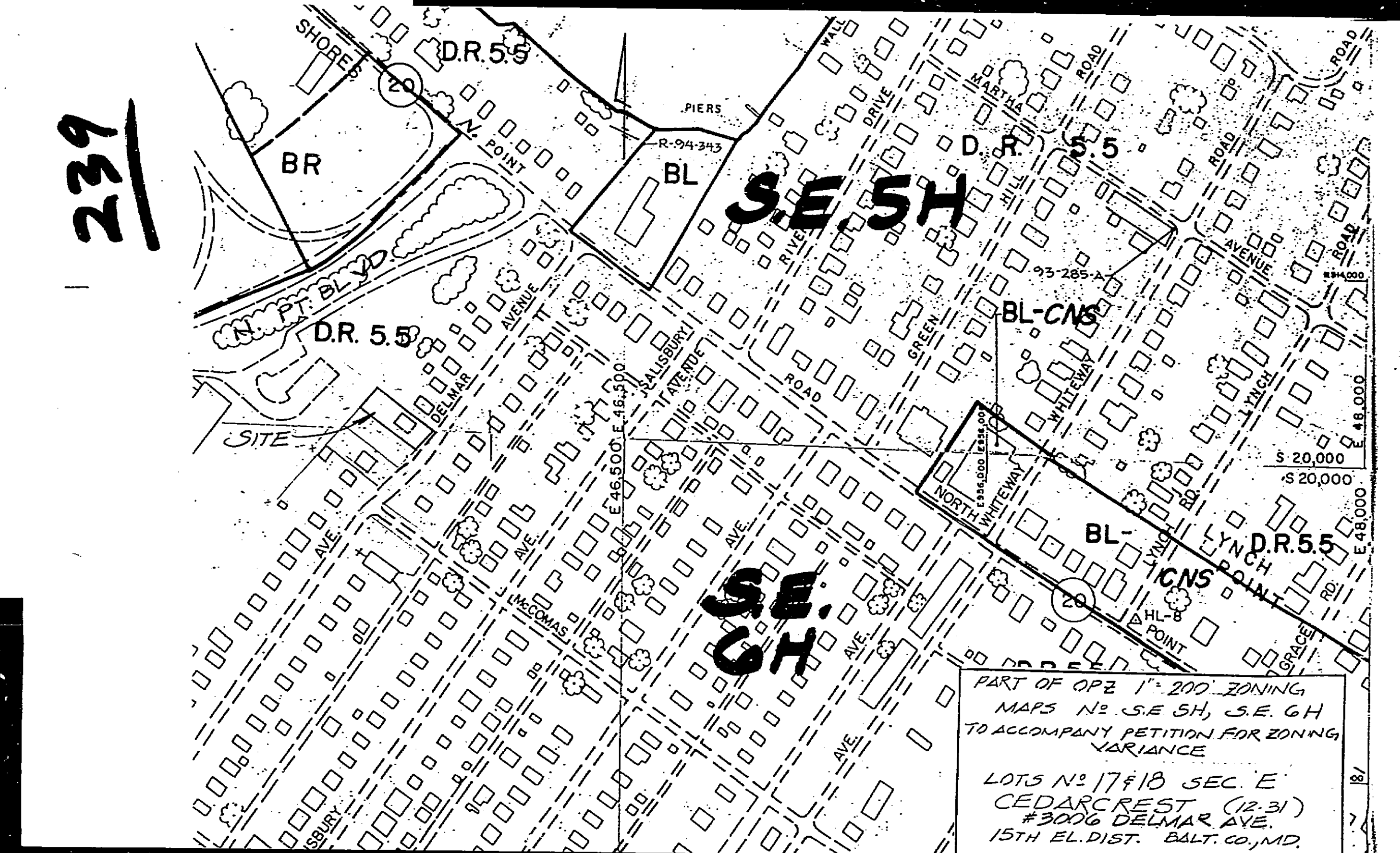
PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME ADDRESS
J. Scott Dallas 21013
Bob Keefoot P.O. Box 26 Baldwin Md.
7200 North Point Rd. 21219

Baltimore County Zoning Commissioner
Office of Planning and Zoning
Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204

Mr. Steven Jernigan
1200 North Point Road
Baltimore, Maryland 21219

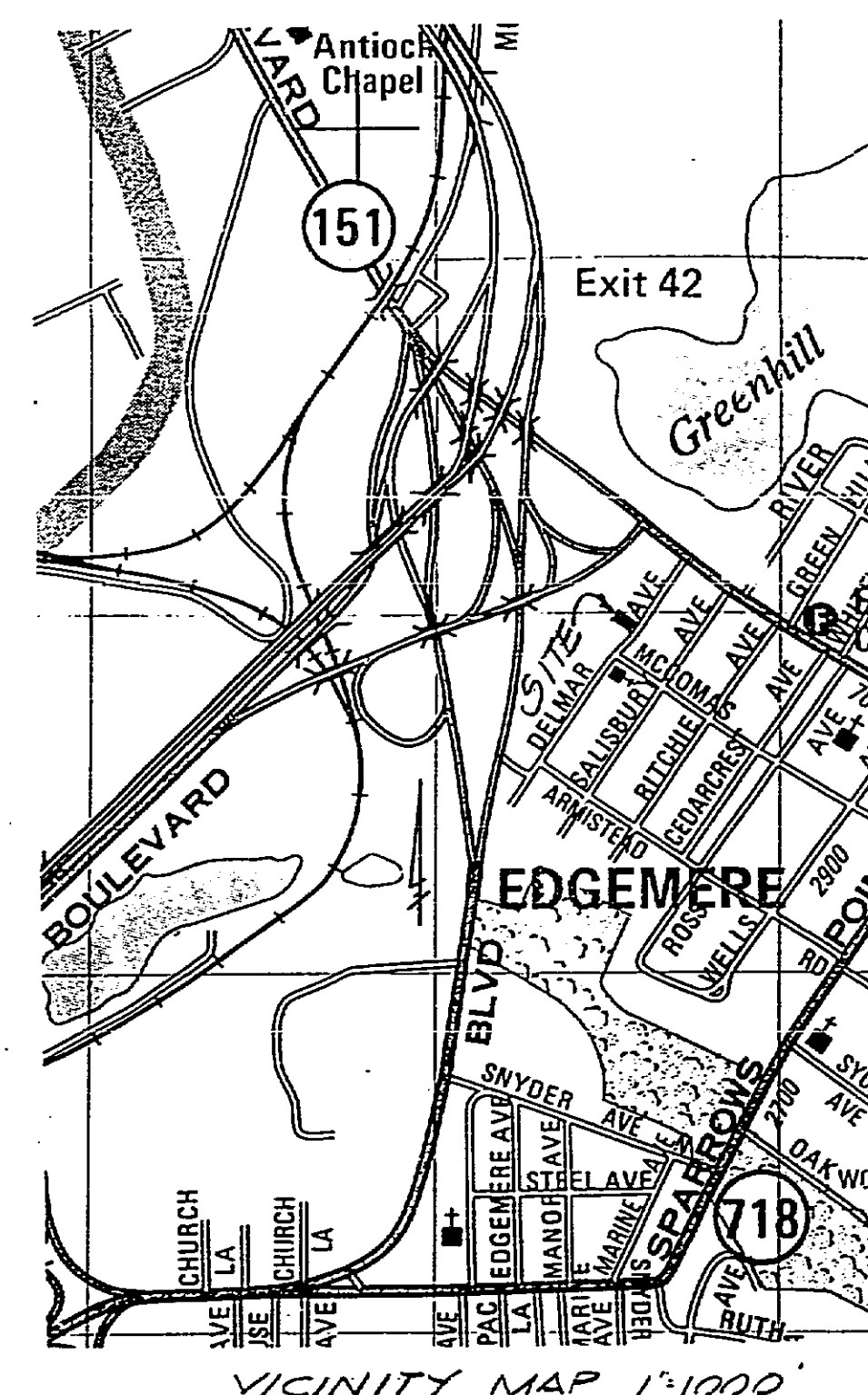
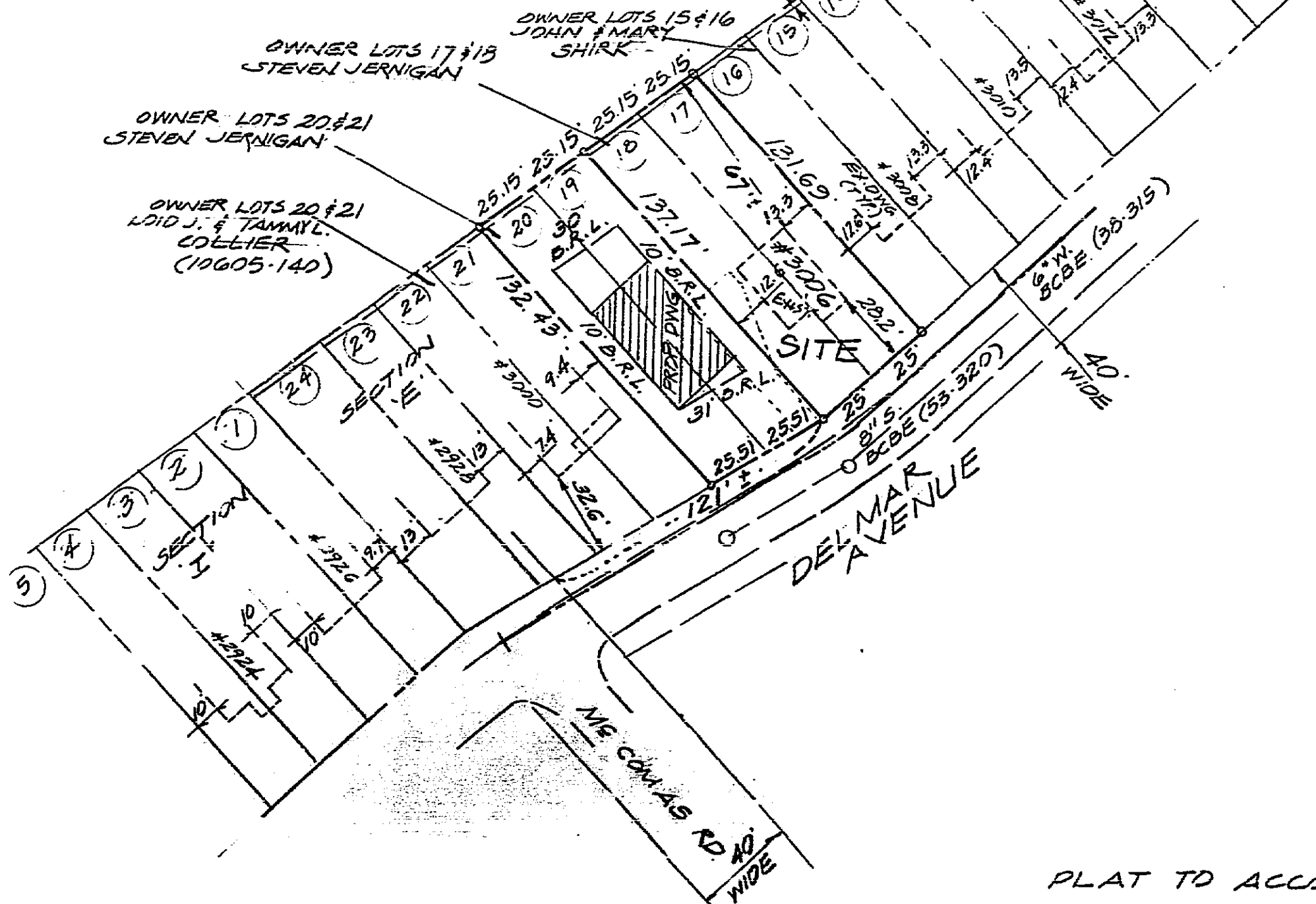


ORDER RECEIVED FOR FILING
Date
By

LP/jbr
JERNIGAN/DEPRM/TXTSBP

LOCATION INFORMATION

EL. DIST. 15 COUNCIL DIST. 7
1"=200' SCALE MAP S.E. 5H, G-H
ZONING DR. 5.5
LOT SIZE: 6721 SF. 0.154 AC.



PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE

LOTS NO 17 & 18 SEC. E
CEDARCREST (12.31)
#3006 DELMAR AVENUE

CRITICAL AREA. NO FLOOD ZONE (S)
SCALE 1"=50'
12-1-95

OWNER: STEVEN JERNIGAN
1200 NORTH POINT RD
BALDWIN, MD 21219
PHONE: 477-3800

J.S. DALLAS, INC.

Surveying & Engineering
13523 LONG GREEN PIKE
BALDWIN, MD 21013
(410) 817-4600



SITE

HOUSES TO S.W. (ON 50' LOTS)

HOUSES TO N.E. (ON 50' LOTS)



SITE

SITE

Mr. Jernigan's original photos to County MUCH clearer than these copies -

(Scott)

PHOTOGRAPHS TO ACCOMPANY
UNDERSIZED LOT REQUEST
LOTS 19 & 20 CEDARCREST

NOTE: BLDG PLANS NOT YET FINALIZED.
WILL MEET GENERAL NEIGHBORHOOD CHARACTERISTICS.
SUBJECT TO PLANNING REVIEW @ TIME OF BUILDING PERMIT.

IN RE: PETITIONS FOR VARIANCE * BEFORE THE
NW/8 Delmar Ave., 12' NE of the c/l of * ZONING COMMISSIONER
McComas Ave. (Lots 17 & 18 of * OF BALTIMORE COUNTY
Cedarcrest, aka 3006 Delmar Ave.
and NW/8 Delmar Avenue, 70' NE of the c/l of McComas Avenue
(Lots 19 & 20 of Cedarcrest) * Case Nos. 96-240-A and
Steven Jernigan * 96-241-A
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as combined Petitions for Variance for those properties known as Lots 17, 18, 19 and 20 of the subdivision known as Cedarcrest, located in the vicinity of North Point Boulevard in Edgemere. The Petitions were filed by the owner of the properties, Steven Jernigan. In Case No. 96-240-A, the Petitioner seeks relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations to permit a minimum lot width of 50 feet in lieu of the required 55 feet for an existing dwelling, known as 3006 Delmar Avenue (Lots 17 and 18 of Cedarcrest). In Case No. 96-241-A, the Petitioner seeks similar relief as noted above to permit development of the property to be known as 3004 Delmar Avenue (Lots 19 and 20 of Cedarcrest), with a single family dwelling. The subject properties and relief requested are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petitioner were Bob Ke-foot, Developer, and J. Scott Dallas, Registered Property Line Surveyor, who prepared the site plan for these properties. There were no Protestants present.

Testimony and evidence offered revealed that Mr. Jernigan owns the subject four adjacent lots in the subdivision known as Cedarcrest,

which is located in Edgemere in southeastern Baltimore County. This is an older community which was subdivided and developed many years ago. All of the lots are approximately 25 feet wide by approximately 135 feet deep and are roughly 0.155 acres in area, zoned D.R.5.5. In both cases, the Petitioner seeks variance relief to permit a minimum lot width of 50 feet in lieu of the required 55 feet in width. In Case No. 96-240-A, the Petitioner seeks to legitimize existing conditions on Lots 17 and 18, which are improved with a single family dwelling, known as 3006 Delmar Avenue. As shown on the site plan, that dwelling straddles the property line dividing the two lots. In Case No. 96-241-A, the Petitioner proposes to develop Lots 19 and 20 with a single family dwelling. That dwelling will also straddle the property line dividing those two lots, but will maintain all appropriate front, side and rear setback requirements. In both cases, the two lots, when combined, are only 50 feet wide, 5 feet less than that required, and thus, the requested variance is necessary.

There was no community opposition to the relief requested. Moreover, the Petitioner presented a series of photographs which shows that there are a number of dwellings in this community which have been built on combined lots 50 feet in width. Thus, it was argued that the relief requested is compatible with the surrounding locale.

The Zoning Plans Advisory Committee (ZAC) comment submitted by the Office of Planning and Zoning supports the Petitioner's requests for so long as parking pads are of a width to accommodate only one vehicle, and that building plans for the proposed dwelling on Lots 19 and 20 be submitted for review by that agency. I concur that these comments are reasonable and appropriate and will incorporate same as a condition of approval. I will also require the Petitioner to comply with the ZAC

- 2 -

comment submitted by the Department of Environmental Protection and Resource Management (DEPRM) in which they have required compliance with the appropriate Chesapeake Bay Critical Areas legislation.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel.

- 3 -

In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 30th day of January, 1996 that the Petition for Variance in Case No. 96-240-A seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a minimum lot width of 50 feet in lieu of the required 55 feet for an existing dwelling, known as 3006 Delmar Avenue (Lots 17 and 18 of Cedarcrest), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance in Case No. 96-241-A seeking relief from Section 1B02.3.C.1 of the B.C.Z.R. to permit a minimum lot width of 50 feet in lieu of the required 55 feet for Lots 19 and 20 of Cedarcrest, for a proposed dwelling to be known as 3004 Delmar Avenue, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) Prior to the issuance of any permits, the Petitioner shall submit building plans to the Office of Planning and Zoning for review and approval.
- 3) Compliance with all Zoning Plans Advisory Committee comments, including, but not limited to, the

- 4 -

Office of Planning and Zoning, dated January 11, 1996, and the Department of Environmental Protection and Resource Management, dated December 27, 1995, copies of which have been attached hereto and made a part hereof.

4) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

LES:bjs

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

January 30, 1996

Mr. Steven Jernigan
1200 North Point Road
Baltimore, Maryland 21219

RE: PETITIONS FOR VARIANCE
NW/8 Delmar Ave., 12' NE of the c/l of McComas Ave.
(Lots 17 & 18 of Cedarcrest, aka 3006 Delmar Ave; and
NW/8 Delmar Avenue, 70' NE of the c/l of McComas Avenue
(Lots 19 & 20 of Cedarcrest)
Steven Jernigan - Petitioner
Case Nos. 96-240-A and 96-241-A

Dear Mr. Jernigan:

Enclosed please find a copy of the decision rendered in the above-captioned matters. The Petitions for Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

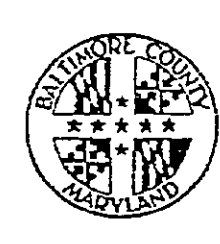
LES:bjs

cc: Mr. Bob Kerfoot
7200 North Point Road, Baltimore, Md. 21219

Mr. J. Scott Dallas
P.O. Box 26, Baldwin, Md. 21013

Chesapeake Bay Critical Areas Commission
45 Calvert Street, 2nd Floor, Annapolis, Md. 21401

OP2; DEPRM; People's Counsel; Case File



Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at Lots 19 and 20 "Cedarcrest"
Delmar Avenue

which is presently zoned D.R. 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1 B02.3C.1 to allow minimum lot width of 50 feet in lieu of the required minimum lot width of 55 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty) Although all other zoning setback requirements can be met, improved width of property. Neighborhood is composed almost exclusively of single family homes on 50 foot lots (and narrower), as shown on enclosed plat.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessor:

(Type or Print Name)

Signature

Address

City

State

Zip

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City

State

Zip

Phone No.

Printed with Soy-based Ink on Recycled Paper

(We do solemnly declare and affirm, under the penalties of perjury, that I am a legal owner(s) of the property which is the subject of this Petition.)

Legal Owner(s):

Steven Jernigan

(Type or Print Name)

Signature

Address

City

State

Zip

Signature

Address

City

State

Zip

Phone No.

Signature

Address

City

State

Zip

Phone No.

Signature

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Phone No.

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City

State

Zip

Phone No.

Signature

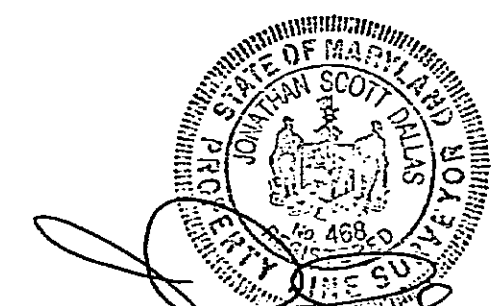
Address

City

State

Zip

Phone No.



12-6-95

ZONING DESCRIPTION FOR LOTS 19 AND 20 DELMAR AVENUE

BEGINNING at a point on the northwest side of Delmar Avenue which is 40 feet wide at a distance of 70 feet, more or less northeast of the prolongation of the northeastern most side of McComas Road which is 40 feet wide.

BEING Lots # 19 and 20 in the subdivision of Cedarcrest as recorded in Baltimore County Plat Book # 12 folio 31.

CONTAINING 6739 square feet of land, more or less, or 0.155 acres of land, more or less.

ORDER RECEIVED FOR FILING
Date 1/31/96
By [Signature]

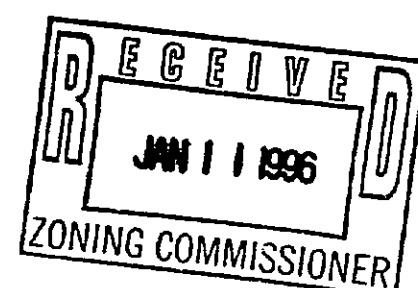
- 5 -

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, PDM
FROM: Arnold F. 'Pat' Keller, III, Director, PO
SUBJECT: Lots 17-20 "Cedarcrest"

DATE: January 11, 1996



INFORMATION:

Item Number: 239 & 240
Petitioner: Jernigan Property
Property Size:
Zoning: DR-5.5
Requested Action: Variance
Hearing Date: 1/1

SUMMARY OF RECOMMENDATIONS:

Staff supports the applicant's request conditioned upon the following:

- Double-wide parking pads should be reduced to single-wide pads.
- Building plans should be submitted to the Office of Planning for review and approval prior to the issuance of building permits.

Due to conditions beyond our control we regret that this comment could not be forwarded in a timely manner.

Prepared by: *Jeffrey W. Long*
Division Chief: *Pat Keller*
PK/JL

TO: Director, Office of Planning & Community Conservation
Attn: Ervin McDaniel
County Courts Bldg, Rm 406
401 Soday Av
Towson, MD 21204
FROM: Arnold Jablon, Director, Department of Permits & Development Management

Permit Number

RE: Undersized Lots
Pursuant to Section 304.2(Baltimore County Zoning Regulations) effective June 25, 1992; this office is requesting recommendations and comments from the Office of Planning & Community Conservation prior to this office's approval of a dwelling permit.

MINIMUM APPLICANT SUPPLIED INFORMATION:

J.S. Dallas, Inc.
13523 Long Green Pike
Baldwin, MD 21013 817-4600
Lot Address: Lots 19 and 20 Delmar Avenue Election District 15 Council District 7 Square Feet 6739
Lot Location: N E S W side / corner of Delmar Avenue, 70 feet from N E S W corner of McComas Road
Land Owner: Steven Jernigan Tax Account Number 15-1700013728
Address: 7200 North Point Road
Baltimore, MD 21219 Telephone Number (410) 477-3800

CHECKLIST OF MATERIALS: to be submitted for design review by the Office of Planning & Community Conservation

1. This Recommendation Form (3 copies)	YES/	NO
2. Permit Application	/	/
3. Site Plan Property (2 copies) Topog Map (available on the 204 C.B.R.) (2 copies) (please label site clearly)	/	/
4. Building Elevation Drawings	/	/
5. Photographs (please label all photos clearly) Adjoining Buildings Surrounding Neighborhood	/	/

TO BE FILLED IN BY THE OFFICE OF PLANNING & COMMUNITY CONSERVATION ONLY!!

RECOMMENDATION/COMMENTS:

☐ Approval ☐ Disapproval ☐ Approval conditioned on required modifications of the permit to conform with the following recommendations:

Signed by: *Ervin McDaniel*
Office of Planning & Community Conservation
Revised 9/5/95

BALTIMORE COUNTY TRANSMITTAL MEMO

TO: JAKE/SETH	DATE:
FROM: JEFF M.	
SUBJECT: DELMAR AVE UNDERSIZED LOT	

OK - NO DOUBLE WIDE
PARKING PAD IN
FRONT. ONE SINGLE
WIDE PAD 2 CARS
DEEP. - WANT TO
SEE BUILDING PLANS BEFORE
APPROVAL.

FOR YOUR	COMMENTS	TAKE APPROPRIATE ACTION
NOTE AND	INFORMATION	INVESTIGATE AND REPORT
	APPROVAL	SUBMITTED PER YOUR REQUEST
	SIGNATURE	DATE
	TRANSMITTAL	SEE ME
	FILE	AS SOON AS POSSIBLE
	RETURN TO ME	AT YOUR CONVENIENCE
PREPARE REPLY FOR	MY SIGNATURE	DATE
	YOUR SIGNATURE	A.M. P.M.

CPS-003

Recycled Paper

Baltimore County
Department of Permits and
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

DEC 27 1995
**12-28-95 BALTO. MD 212

RE: PETITION FOR VARIANCE
WIS Delmar Avenue, (Lots 19 and 20
Cedarcrest), 70' +/- NE of c/l McComas
Road, 15th Election District, 7th
Councilmanic
Steven Jernigan
Petitioner
BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
CASE NO. 96-241-A

ENTRY OF APPEARANCE

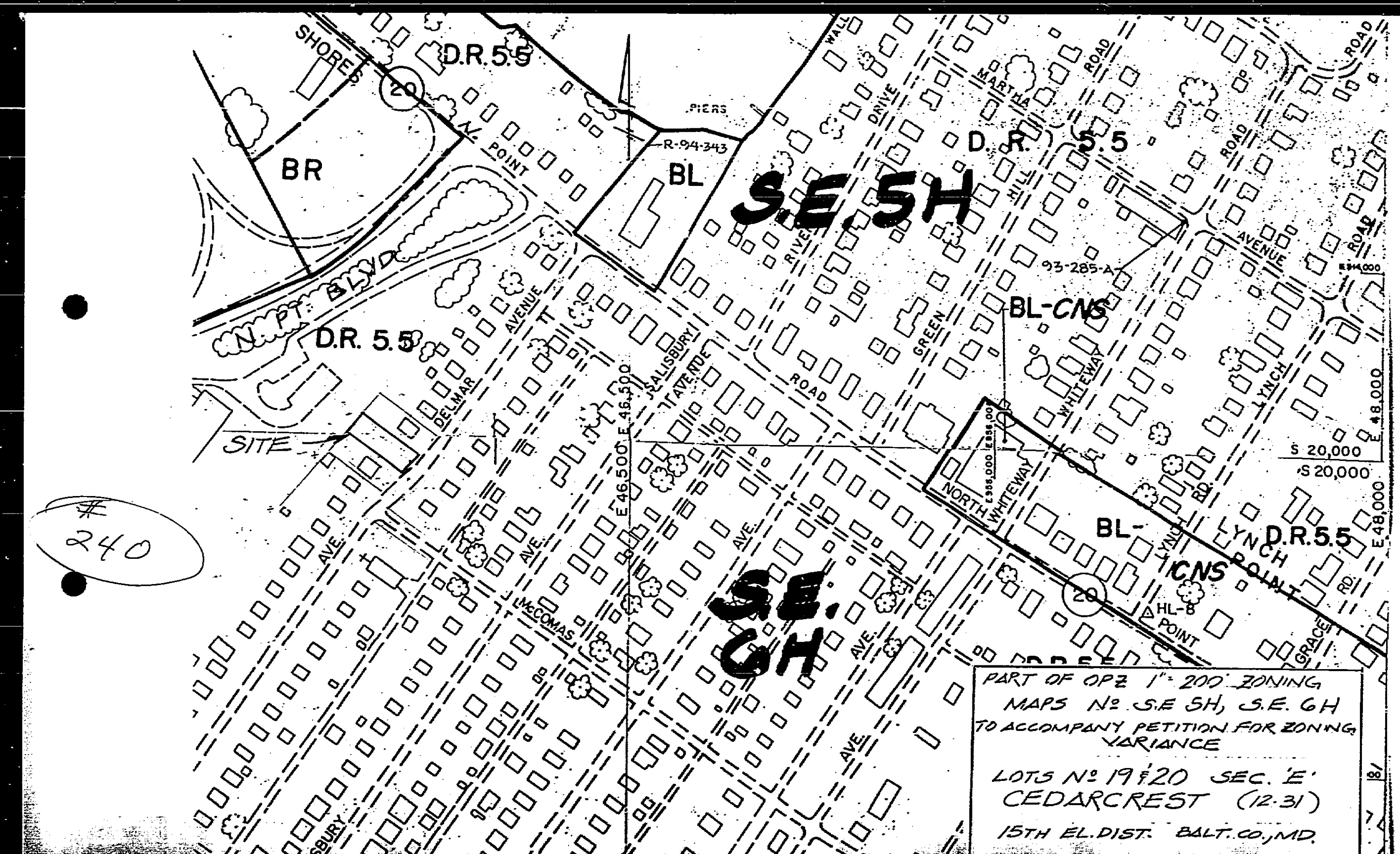
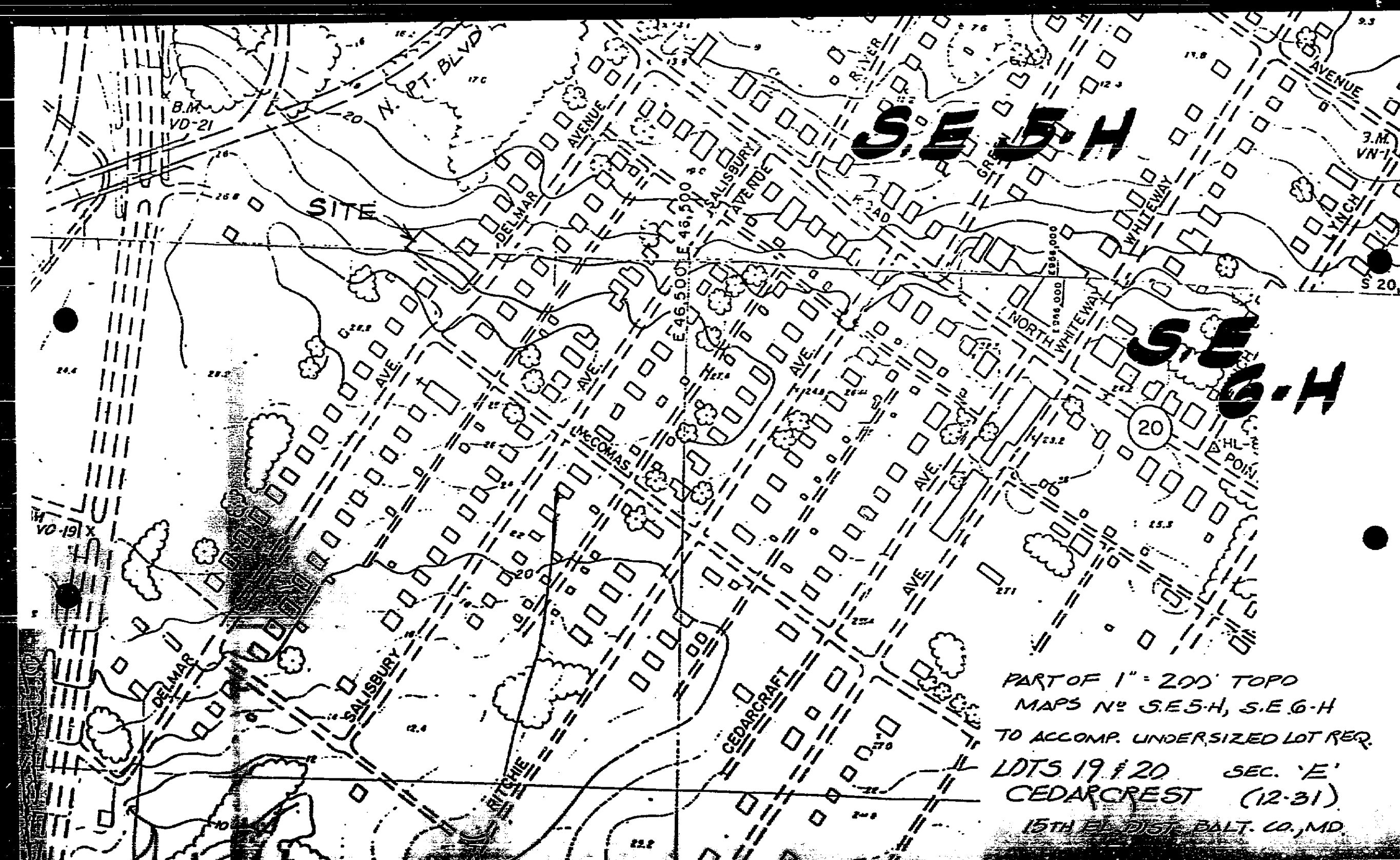
Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County
Carole S. Denilio
CAROLE S. DENILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

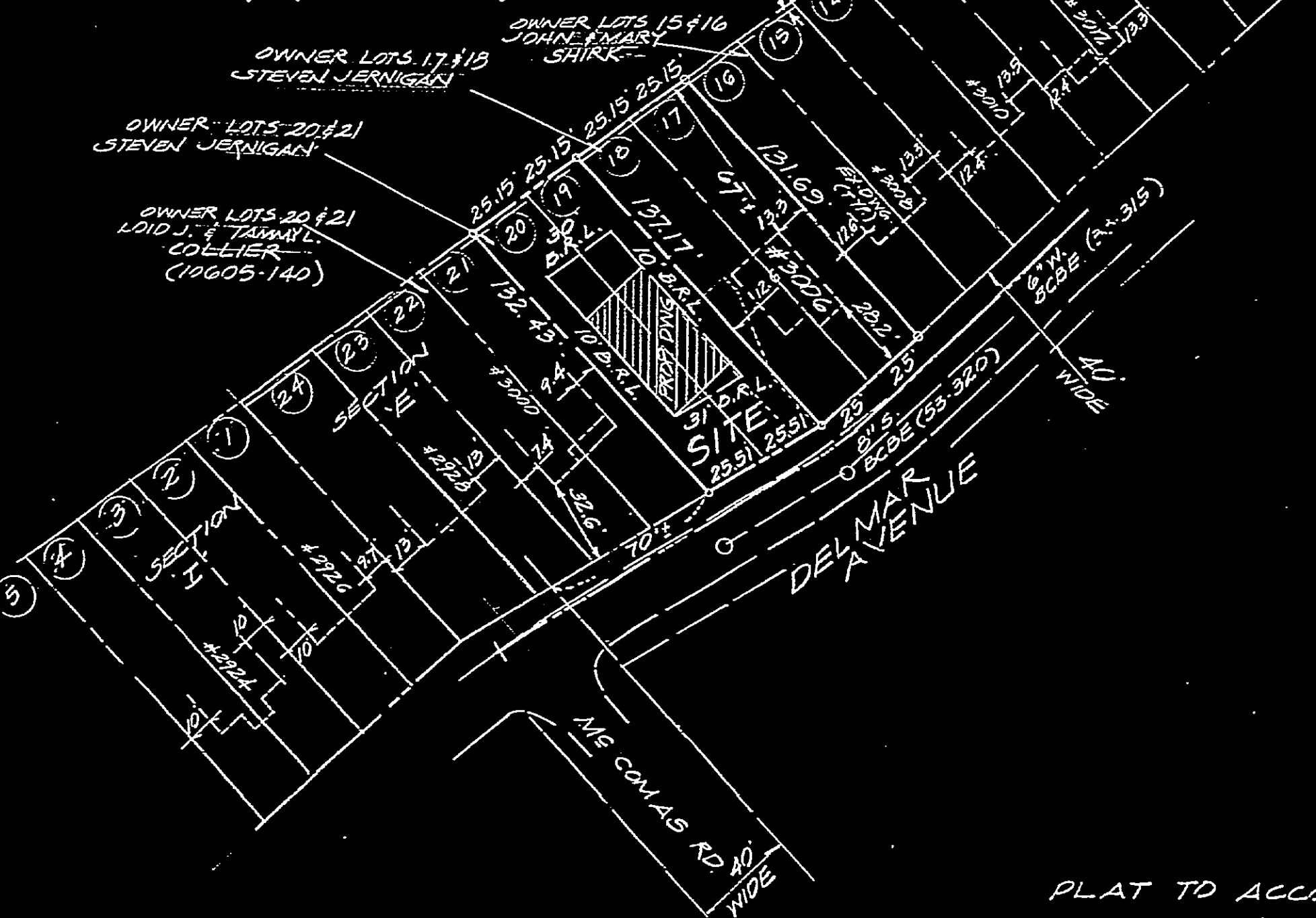
I HEREBY CERTIFY that on this 11th day of January, 1996, a copy of the foregoing Entry of Appearance was mailed to J. Scott Dallas, J.S. Dallas, Inc., 13523 Long Green Pike, Baldwin, MD 21013, representative for Petitioner.

Peter Max Zimmerman
PETER MAX ZIMMERMAN



LOCATION INFORMATION

EL. DIST. 15 COUNC. DIST. 7
1"=200' SCALE MAP S.E. 34, 6-H
ZONING DR. 5.5
LOT SIZE 11,673.9 S.F. 0.155 AC.



PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE
LOTS NO. 19 & 20 SEC. 'E'
CEDARCREST (12-31) No Flood Zone (C).
~~CRITICAL AREA~~

SCALE 1"=50'
12-1-95

J.S. DALLAS, INC.

Surveying & Engineering
13523 LONG GREEN PIKE
BALDWIN, MD 21013
(410) 817-4600

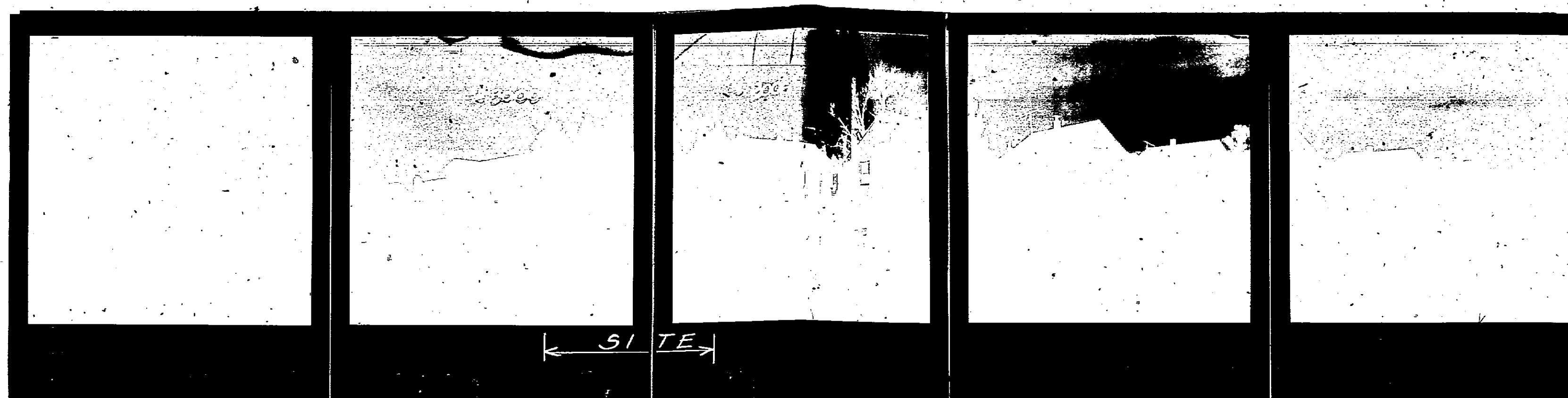
OWNER: STEVEN JERNIGAN
1200 NORTH POINT RD
BALTIMORE, MD 21219
PHONE: 477-3800

Note

Undersize Lot procedure
Lot Nos. 19 & 20 (Also has submitted
a VAR. Pet. for same, Item #240).

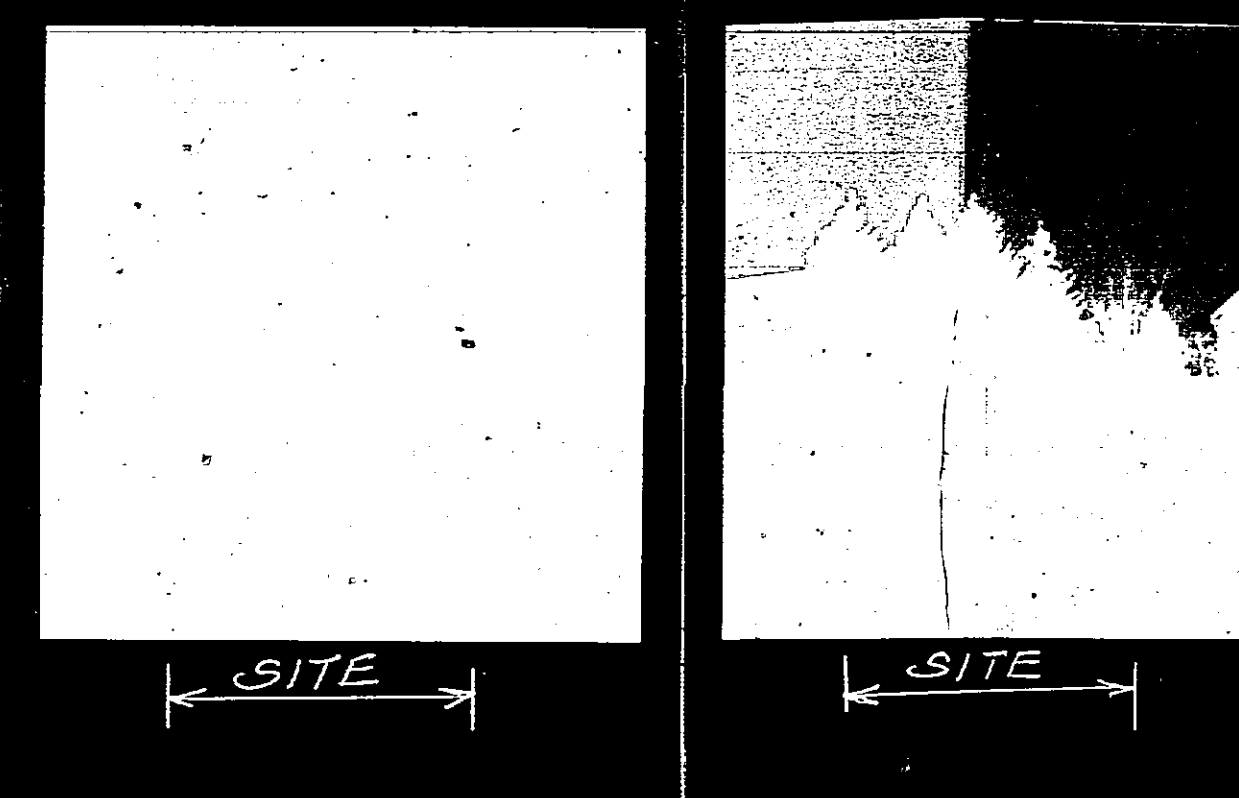
Per Petitioner, Scott Dallas
(Honest & Reliable) Mikel stated that
No \$ Ave as fees pd for Variance
on same Lot. Mikel is on Vacation!

John S.



HOUSES TO S.W. (ON 50' LOTS)

HOUSES TO N.E. (ON 50' LOTS)



PHOTOGRAPHS TO ACCOMPANY
UNDERSIZED LOT REQUEST
LOTS 19 & 20 CEDARCREST

NOTE: BLDG PLANS NOT YET FINALIZED,
WILL MEET GENERAL NEIGHBORHOOD
CHARACTERISTICS.

SUBJECT TO PLANNING REVIEW @ TIME
OF BUILDING PERMIT.
(PER CONVERSATION W/ JAKE MORSEY)